San Bruno
Land Use Code

(Municipal Code Title 12)

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PREFACE

The San Bruno Land Use Code is a publication of Title 12 of the San Bruno Municipal Code.

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Title 12

LAND USE

Chapters:

Article I. Excavation and Grading

Article II. Subdivisions

Article III. Zoning

Article I. Excavation and Grading

Chapter 12.04

GENERAL PROVISIONS

Sections:

12.04.010 Title.

This chapter shall be known and may be cited as the excavations and grading ordinance of the city of San Bruno. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.1)

12.04.020 Purpose.

A. This chapter is enacted for the purpose of stringent control of all aspects of grading operations.

B. It is the intent of the city council in enacting this chapter:

1. To promote the conservation of natural resources, including hills and vegetation;

2. To protect the public health and safety, by reduction or elimination of the hazards of earth slides, mud flows, rock fills, undue settlement, erosion, siltation, flooding, or other special conditions by minimizing the adverse effects of grading, cut and fill operations, water runoff, and soil erosion. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.2)

12.04.030 Definitions.

A. For the purpose of this chapter, the words and phrases set forth in this section shall have the meanings respectively ascribed to them herein, unless the context clearly indicates a contrary intention:

1. "Architect" means a professional architect registered in and by the state.

2. "As-graded" means the surface conditions extant on completion of grading.

3. "Bedrock" means in-place solid rock beneath soil and superficial rock.

4. "Bench" means a relatively level step excavated into earth material on which fill is to be placed, or within a cut or fill slope.

5. "Blending" means the intermixing and compaction of natural site soils (such as materials from two natural soil horizons), or for the intermixing and compaction of natural site soils with imported soil or other materials.

6. "Borrow" means earth material acquired from an off-site location for use in grading on a site.

7. "Buttress fill" means a compacted fill which is placed in an area where soft natural soils beneath a planned fill would be overstressed by the weight of the fill. The buttress fill is placed after the soft natural soils have been removed.

8. "Certification" means a written engineering or geological report concerning the progress and completion of the work.

9. "City engineer" means the city engineer of the city or the designated representative of the city engineer.

10. "Civil engineer" means a professional engineer registered in and by the state to practice in the field of civil engineering.

11. "Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design, and construction of civil works.

12. "Clearing and grubbing" means cutting, chopping, bulldozing, or removing by any means the native growths of trees, bushes, grass, stumps, root masses, and all debris not native to the site.

13. "Compaction" means the densification of a fill by mechanical means.

14. "Competent material" means earth material capable of withstanding the loads which are to be imposed upon it without failure or detrimental settlement as certified by the soils engineer.

15. "Contour rounding" means the rounding of cut and fill slopes in the horizontal plane to blend with existing contours or to horizontal varia-

tion, or to eliminate the artificial appearance of slopes.

16. "Depth of cut or fill" means the vertical distance between existing natural ground and the finish elevation at any location.

17. "Dust control plan" means a written procedure describing the method, equipment, and materials to be used in minimizing and controlling dust arising from the construction activities.

18. "Earth material" means any rock, natural soil, fill, or any combination thereof.

19. "Engineering geologist" means a professional engineering geologist registered in and by the state to practice in the field of engineering geology.

20. "Engineering geology" means the application of geologic knowledge and principles in the investigations and evaluation of naturally occurring rock and soil for use in the design of civil works.

21. "Erosion" means the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

22. "Excavation" means the mechanical removal of earth material.

23. "Existing grade" means the grade prior to grading.

24. "Fill" means a deposit of earth material placed by artificial means.

25. "Finish grade" means the final grade of the site which conforms to the approved plan.

26. "Grade" means the vertical location of the ground surface.

27. "Grading" means any excavation or filling or combination thereof.

28. "Height of cut and fill slopes" means the finish vertical distances from the top to toe of slope.

29. "Key" means a designated compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

30. "Modification" means a term for any procedure that will reduce the Atterberg limits (liquid limit, plastic limit, and plasticity index) of a soil.

31. "Nesting" means the placement of large rocks so as to create voids in the fill and to make proper compaction difficult or impossible.

32. "Replacement" means a term for the removal and wasting of natural soil materials judged unsuitable for the support of site improvements, and their replacement with properly compacted soil materials as approved by the city engineer.

33. "Reworking" means the mechanical densification or consolidation of natural loose soil material or the removal, processing, and drying of Bay mud.

34. "Rough grade" means the stage at which the grade approximately conforms to the approved plan.

35. "Site" means any lot or parcel of land, or contiguous combination thereof, where grading is performed or permitted.

36. "Slope" means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

37. "Soil" means the top layer of the earth, excluding rock.

38. "Soil engineer" means a civil engineer experienced and knowledgeable in the practice of soil engineering.

39. "Soil engineering" means the application of the principles of mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

40. "Stabilization" means any procedure that will result in increased shear strength in a soil.

41. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

42. "Variable slope" means the variation of a cut and fill slope in the vertical plane to blend with existing contours and vertical undulation to eliminate the artificial appearance of slopes.

43. "Vertical slope rounding" means the rounding of the top and toe of cut and fill slopes.

B. Whenever any words or phrases in this chapter are not defined herein but are defined in the subdivision ordinances, in the zoning ordinance, or

elsewhere in this code, such definitions are incorporated herein, unless the context clearly indicates a contrary intention. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.3)

12.04.040 Hazards.

Whenever the city engineer determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, endangers property or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property on which such condition is located, or other person or agent in control of such property, upon receipt of written notice from the city engineer shall within the period specified in the notice repair or eliminate such condition so as to eliminate the hazard and be in conformance with the requirements of this chapter. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.12)

12.04.050 Nuisance.

The provisions of this chapter shall not be construed to authorize any person to maintain a public or private nuisance upon any property, and compliance with the terms of this chapter shall not be a defense in any action to abate such nuisance. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.13)

Chapter 12.08

PERMITS

Sections:

12.08.010 Required when.

A. Except as provided in subsection B, no person shall engage in or perform any grading without first having obtained a grading permit from the city engineer.

B. No grading permit shall be required for any of the following:

1. An excavation below finished grade for basements and footings of a building, retaining wall, swimming pool, or other structure authorized by a valid building permit. This exemption shall not apply to any fill made with the material from such excavation, or to any excavation having an unsupported height greater than five feet after the completion of such structure;

2. Cemetery graves;

3. Refuse disposal sites controlled by other regulations;

4. Mining, quarrying, excavating, processing, stockpiling of rock, sand, aggregate or clay where established and provided by law, provided that such operations do not affect the lateral support or increase stresses in or pressure upon any adjacent or contiguous property. This exemption includes surface mining operations for which there exist vested rights of continuation without a local agency permit pursuant to the Surface Mining and Reclamation Act of 1975 (Section 2710 et seq., of the Public Resources Code);

5. An excavation with a slope no steeper than ten percent, or less than fifty cubic yards;

6. Exploratory excavations under the direction of soil engineers or engineering geologists;

7. A fill less than one foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical (5:1), or less than three feet in depth, not intended to support structures, which does not exceed fifty cubic feet on any one lot and does not obstruct a drainage course or affect structural integrity of adjacent property;

8. Work conducted in any city street, public right-of-way, or easement when the work is for a public facility, public utility, or controlled by other permits;

9. Public agencies performing governmental or proprietary functions;

10. Emergency work as authorized by the city engineer when necessary for the immediate protection of life, limb, safety of property, or to maintain the safety, use, or stability of a public way or drainage way;

11. Minor land leveling for agricultural purposes, if the average ground elevation is not changed more than three feet.

C. The exceptions in subsection B shall not apply to grading within natural drainage channels. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.4)

12.08.020 Application—Form.

No grading permit shall be issued by the city engineer until a written application therefor shall have been filed on a form approved by the city engineer and containing the following information:

A. A description of the site upon which the grading is to be done by lot, block, and tract designation, and by a street address or similar description sufficient to readily identify it;

B. The name and address of the owner of the site, the person who is to perform the work, and the soil and civil engineer if such work is to be performed as supervised grading. The permit shall be issued only to the owner or the owner's agent;

C. The city business license number and state contractor's license number of the contractor who will perform the work;

D. The signature and address of the applicant. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.5(a))

12.08.030 Application—Accompanying materials.

The application shall be accompanied by the following material:

A. Inspection, plan checking, and permit application fees, as established by the city council;

B. An engineer's estimate of the quantity and cost of work to be done;

C. The estimated starting and completion dates of the work;

D. A soils and engineering geology report as set forth. If the city engineer finds that such information is unnecessary due to the relatively small size or flat topography of the site, the presence of adequate knowledge of the city as to the soils or geologic condition of the site, or the determination of the city engineer that a conservative design will more than compensate for the lack of in place soils data, all or portions of this requirement may be waived;

E. Two Sets of Plans. Plans shall be twenty-four inches by thirty-six inches, or as otherwise approved by the city engineer. Where a soils report has been required, the soils engineer shall certify on the grading plan that the plan has been prepared in accordance with the recommendations contained in the soils report. The plan shall be signed by the civil engineer. It shall contain the following items, plus any additional material which the city engineer deems necessary to show conformance of the proposed grading with the requirements of this chapter and other related ordinances:

1. A vicinity sketch or other means of adequately indicating the site location;

2. Boundary lines of the site;

3. Each lot or parcel of land into which the site is proposed to be divided;

4. The location of any buildings and structures on the property where the work is to be performed or on adjacent property within fifty feet of the proposed work;

5. Accurate contours showing the topography of the existing ground adequate to show off-site drainage based upon elevations taken on adjacent property or other means approved by the city engineer;

6. All of the proposed uses of the site and, if the site is to be subdivided, the proposed use of each lot or parcel which is to be created;

7. Elevations, locations, extent and slope of all proposed grading shown by contours, or other means acceptable to the city engineer, and location of any rock disposal areas, buttress fills, subdrains or other special features to be included in the work;

8. Detailed plans of all drainage systems and facilities, walls, cribbing, or other erosion protection devices to be constructed in connection with, or as a part of the proposed work, together with a map showing the drainage area and estimated run-off of the area served by any drainage systems or facilities;

9. The location, circumference, specie, and approximate elevation at the base of all trees. The plans shall be designed so as to save trees and other natural features of high aesthetic value wherever possible. A tree care specialist shall review the trees to be saved at the site for physical condition and prepare a report setting requirements of grading and development adjacent to the saved trees. These requirements shall be incorporated into the grading plan;

10. A statement of the quantities of material to be excavated and/or filled, and the amount of such material to be imported to, or exported from, the site;

11. A written agreement approved by the civil engineer and signed by the owner, or the owner's authorized agent, that a civil engineer, soils engineer, and/or engineering geologist will be employed to give technical supervision to make inspections of the work, whenever approval of the plans and issuance of the permit is to be based

upon the condition that such professional person be so employed;

12. Such other information as the city engineer may require. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.5(b))

12.08.040 Performance bond—Maintenance bond.

A. Prior to the issuance of a grading permit, the city engineer may require the applicant as a condition of approval to post a surety bond or cash deposit in an amount determined by the city engineer which will be sufficient to guarantee to the city the faithful performance of all work and all conditions contained in or described by the permit. Any such bond shall be approved as to form by the city attorney. It is the purpose of this requirement to permit the city to restore the property to a safe and reasonably attractive condition in the event of noncompliance with the conditions of approval.

B. The city engineer shall also have the authority to require the posting of a maintenance bond which shall be effective for not more than one year from the approval of completion of the work by the city engineer. Such maintenance bond shall be in an amount not to exceed twenty-five percent of the amount of the faithful performance bond and shall be approved as to form by the city attorney.

C. Should the permittee fail to comply with the conditions of approval of the grading permit or fail to repair damage upon request of the city, the city engineer shall give written notice to the permittee and surety of the bond. The notice shall state the following:

1. The specific work to be completed and/or repairs to be made;

2. The approximate cost to perform the required work;

3. The time in which all work is to be completed.

D. Should the required work not be completed within the time specified by the city engineer, the city engineer may cause such work to be done and deduct the cost thereof from any cash deposit; if a bond has been posted, the city shall have a right of action on such bond against the permittee as principal and against the surety.

E. Sureties or the remaining portion of any cash deposit shall be released only upon satisfactory completion of the work and completion of any required period of maintenance.

F. Any surety bond required shall provide that if the city commences legal action to enforce the obligations of the principal and the surety, the city shall be entitled to recover its reasonable attorney's and other costs. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.5(c))

12.08.050 Issuance when.

A. A permit shall be granted only if the city engineer finds, after all of the required data has been submitted, and all required fees have been paid, that the proposed grading will not adversely affect the drainage or lateral support of other properties in the area, and will not be detrimental to the public health, safety, or general welfare.

B. The city engineer shall not grant any grading permit until the applicant has obtained approval of all necessary permits, authorizations, and entitlements from the city for the proposed development of the real property on which the grading is to occur, including, but not limited to permits, variances, rezonings, subdivision maps, and architectural review, where required. The city engineer may impose conditions upon a grading permit to minimize or mitigate any adverse environmental impacts contained in an environmental impact report or negative declaration. Adherence to the grading and erosion control plans shall be an explicit condition of the grading permit.

C. Where the applicant proposes to perform grading on the property without engaging in development thereof such that one or more permits, authorizations, or entitlements from the city enumerated in subsection B is not required, the city engineer shall not grant such permit until the matter has been referred to the planning commission for review and recommendation. The planning commission shall conduct at least one public hearing on the matter, with notice to be given in the manner pre-

scribed in the zoning ordinance for permits, variances, and code amendments.

D. In the case of a subdivision, the approval to proceed by the city engineer, after having signed grading plans and having received all required bonds, fees, agreements, and deeds, shall constitute the issuance of a grading permit. Grading shall be deemed to be an improvement for the purposes of the subdivision improvement agreement. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.6)

12.08.060 Duration—Suspension and revocation.

A. If a substantial amount of work authorized by any permit is not commenced within six months of the date of issuance thereof, or as otherwise indicated on the face of the permit, or on the improvement agreement, or if such work is not completed within one year or as otherwise indicated on the permit or the improvement agreement, the permit shall expire and become void. Upon such expiration, the city engineer shall notify the permittee of such fact in writing.

B. In the event any permittee shall violate the terms of the permit, or shall conduct or carry on the grading in a manner as to materially affect in an adverse manner the health, welfare, or safety of persons residing or working in the vicinity of the property, or to be materially detrimental or injurious to property or improvements in such vicinity, the city engineer shall temporarily suspend such permit, effective upon written notification by the city engineer to the permittee.

C. No grading permit shall be permanently suspended or revoked until a hearing is held by the planning commission. Written notice of such hearing shall be served upon the permittee, either personally or by registered mail, not less than five days after any temporary suspension. Such notice shall state the following:

1. The grounds for the revocation or suspension in clear and concise language;

2. The time and place of the hearing.

Such notice shall be served by registered mail or personal service on the permittee at least five days prior to the date set for the hearing.

At such hearing the permittee shall be given an opportunity to be heard and may call witnesses and present evidence in his or her behalf. The city engineer shall be given similar opportunity. Upon completion the planning commission shall determine whether the permit shall be suspended or revoked or reinstated.

In the event the determination of the planning commission is to suspend or revoke such permit, the permittee may appeal such decision to the city council pursuant to Chapter 1.32 of this code. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.11)

Chapter 12.12

SOILS AND ENGINEERING GEOLOGY REPORT

Sections:

12.12.010 Requirements.

The soils and engineering geology report shall be prepared by a professional soil investigation firm under the direction of a soils engineer and an engineering geologist and shall include the following:

A. An adequate description of the geology of the site;

B. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development;

C. Opinions and recommendations covering the adequacy of sites to be developed by the proposed grading;

D. Data regarding the nature, distribution, strength, and in place relative compaction of existing soils;

E. Conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary;

F. Ground water conditions;

G. Data on erodibility of the soil;

H. Draft specifications for erosion control measures. For purposes of such draft specifications, reference is made to Association of Bay Area Governments Manual for Surface Runoff Control Measures, pages 1-45, through 1-151, inclusive. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.7(a))

12.12.020 Recommendations.

Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plans and/or specifications. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.7(b))

12.12.030 Tests and analyses.

Sufficient soils samples to represent a true cross-section of the cut and fill areas and of the material to be used as fill shall be taken and tested under the supervision of the soils engineer. All soils shall be classified in accordance with the unified soil classification system. Reports, including all test reports by the soils engineer, shall be submitted covering the following:

A. Field and laboratory tests of the land to be covered with fill to determine the characteristics of the soil, including its expansive qualities; the bearing value of the land; consolidation potential; data on erodibility of the soil; and a statement as to whether the land can support the proposed fill and structures. In those areas where saline or alkaline soils or other problem condition may be encountered, sufficient information to define the problem and evaluate its solution shall be submitted to the city engineer.

B. Field and laboratory soil analysis of the material proposed for the fill, including its source and expansive quality, and a statement as to its suitability. The analysis shall also specify the optimum moisture content at which each type of proposed fill material compacts to one hundred percent dry density in accordance with State Department of Transportation Impact Method (Test No. 216F) or an equivalent approved by the city engineer. The city engineer may defer this requirement until some grading has been done in order to obtain good representative samples.

C. Field and laboratory soil analysis of existing soil conditions in proposed cut locations, including expansive qualities and bearing values. If steep slopes are proposed, sufficient data concerning slope stability analysis shall be submitted.

D. Any potential ground water condition which may affect soil strength, consolidation, or slope stability shall be defined and evaluated. This is of particular significance in areas subject to vibratory or shock loadings.

E. Proposals to replace, rework or blend, or to stabilize or modify with additives either natural site soils or the proposed fill materials shall be supported by appropriate laboratory analysis and other such data as may be necessary for evaluation of the proposal.

F. The location of and effects of active faults which may affect the proposed development. The results of seismic activity on the soils as the site is proposed to be graded and on the proposed buildings and structures shall be evaluated. Recommendations shall be made relating to building distances from nearby active faults and foundation design due to seismic activity. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.7(c))

12.12.040 Grading specifications.

A. The soils engineer shall prepare a complete and detailed specification for clearing, grubbing, and all aspects of grading, including utility trench backfill, with special emphasis on the depth of fill layers, compaction methods, moisture content, frequency of field density tests, and minimum density to be obtained in the field as related to laboratory density tests.

B. The soils engineer shall prepare a statement regarding specified grading and slopes, giving a professional opinion regarding the following:

1. Shrinkage or settlement of a fill constructed in compliance with the proposed specification for controlled earthwork;

2. The safe load-bearing capacity for such controlled site;

3. The maximum slope ratios necessary for slope stability for proposed cut and fill slopes, with the assumption of proper planting on the slope to assure freedom from erosion; and

4. The remaining movement anticipated in cut areas. Any forecast of appreciable settlement shall be supported by appropriate site and soils data. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.7(d, e))

12.12.050 Erosion control.

A complete and detailed plan for erosion control shall be prepared and included within the grading plan. If planting is proposed, the specification shall be prepared by a registered landscape architect or landscape contractor and shall indicate the material and methods for slope control planting and planting to return the slope to its native appearance, including ground covers, trees and shrubs, and with special emphasis on the following:

A. Soil preparation, fertilization, plant material, and methods of planting; and

B. Initial maintenance of the plant material and slopes until a specified percentage of plant coverage is established uniformly on the cut and fill slopes.

The erosion control plan shall contain calculations showing estimated surface water runoff on the site and maintenance of non-vegetative erosion control measures. Vegetative control measures shall be in accordance with Association of Bay Area Governments Manual for Surface Runoff Control Measures, pages 1-50 through 1-57, inclusive. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.7(f))

12.12.060 Additional investigations.

The city engineer may require additional soils or geological investigations to be made in order to further the safety and maintainability of the site. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.7(g))

Chapter 12.16

GRADING REGULATIONS

Sections:

12.16.010 General regulations.

A. One copy of the approved plans and specifications shall be kept on the site at all times during the progress of the grading work by the person responsible for the undertaking of such work.

B. All grading and noise therefrom, including but not limited to, warming of equipment motors in residential zones, or within one thousand feet of any residential occupancy, hotel, motel, or hospital shall be limited to those hours between seven a.m. and five-thirty p.m. on weekdays, unless other hours are approved by the city engineer based upon evidence that an emergency exists which would constitute a hazard to persons or property if grading at other times is not permitted.

C. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected, or contained in such a manner as to prevent any nuisance from dust, or spillage upon adjoining property or streets. Equipment and materials on the site shall be used in a manner so as to avoid excessive dust. The city engineer may require a dust control plan at any time during the course of the grading project.

D. No grading shall be conducted so as to alter the established gradient of natural drainage channels as to cause erosion or flooding.

E. All exposed or finished banks or slopes of any fill or excavations shall be protected from erosion by approved planting, hydroseeding, cribbing, walls, or terracing, or a combination thereof. Other unprotected graded surfaces shall be planted, paved or built upon, or shall be provided with berms and drainage facilities approved by the city engineer as adequate to prevent erosion and to conduct the accumulation or run-off of surface waters to an approved place of discharge. It is the intent of this subsection to prohibit the abandonment of graded areas or slopes which are not provided with erosion protection and adequate drainage facilities, even though all other requirements herein have been complied with.

F. All building site pads shall be graded to provide drainage to a street, natural watercourse, approved flood control channel or conduit, or public easement for drainage purposes as approved by the city engineer.

G. Cuts and fills shall be designed to balance as near as possible to avoid the nuisances created by offsite hauling. If offsite hauling is determined to be necessary by the city engineer, details of the hauling operation, including but not limited to size of trucks, haul route, dust and debris control measures, and time and frequency of haul trips shall be submitted to the city engineer for approval. The city engineer shall be empowered to place such restrictions as deemed necessary to minimize health, safety, and general welfare problems which might arise from such hauling.

H. Cut and fill slopes shall be contour rounded as approved by the city engineer.

I. Variable slopes shall be used when required by the city engineer to eliminate the artificial appearance of slopes or to mitigate environmental damage. Variable slope treatment shall be as approved by the city engineer.

J. Whenever any portion of the work requires entry onto adjacent property the permittee shall obtain a right of entry thereon from the owner of such property or the owner's authorized representative in a form acceptable to the city attorney. The permittee shall file a copy of the executed right of entry with the city engineer prior to the issuance of the grading permit and/or approval of the grading plan.

K. Sediment basins may be required by the city engineer to detain runoff and to trap sediment during construction until slope erosion planting has been established. The sediment basin dam and col-

lected silt shall often be removed and the resulting material hauled from the site or used as topsoil.

L. Grading shall be designed so that lot lines are at the top of the slope and with adequate property line setback from the slope to provide for required vertical slope rounding.

M. Grading shall be designed whenever possible to be at the same elevation or below adjoining properties outside the development so as not to negate the privacy of adjoining properties. If such design is impossible, and adjoining properties will be adversely affected by the design, the permittee shall be required to arrange for either the moving of the slope onto the adjacent property, with replacement of fences and improvements, or replacement of the property owner's fence, if one exists, at the top of the slope and require that the slope be conveyed to the adjacent property owner. The city engineer may waive this requirement if the adversely affected property owner fails to negotiate for either option.

N. Vertical slope rounding shall be required to cut and fill slopes greater than two feet in height.

O. Stockpiling of materials shall be subject to approval of the city engineer, and shall be removed or relocated when required by the city engineer. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.8)

12.16.020 Specific regulations.

A. Cuts and Fills. Unless otherwise recommended in the soils engineering and/or engineering geology report and approved by the city engineer, cuts and fills shall conform to the city's standard specifications for excavations and embankments and to the following provisions:

1. Cut and fill slopes shall be no steeper than two horizontal to one vertical (2:1).

2. Where slopes are steeper than five horizontal to one vertical (5:1), and the height is greater than five feet, the ground surface shall be prepared to receive fill by benching into solid bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five horizontal to one vertical (5:1) shall be at least ten feet wide. When fill is to be placed over a cut, the bench under the toe of the fill shall be at least ten feet wide, but the cut must be made before placing fill and approved by the soils engineer and the engineering geologist as a suitable foundation for fill.

3. Earth materials which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than eight inches shall be used for fill material. Rock or concrete in excess of eight inches may be placed in a fill only at locations and to the specifications of the soils engineer. Care shall be taken to avoid nesting and foundation interference.

4. All fills shall be compacted to a minimum of ninety percent of maximum density as determined by the State of California Impact Method Test No. 216 F or equivalent method approved by the city engineer for determining maximum soil density. Field density shall be determined by a method acceptable to the city engineer.

5. The tops of cuts and toes of fill slopes shall be set back from property lines and structures as far as necessary to provide for safety of adjacent property and pedestrians and vehicular traffic, for required slope rounding, for adequate foundation support, for required swales, and for berms, drainage facilities, and applicable zoning requirements. Setbacks from outer boundaries of the permit area, including slope-right areas and easements, shall be in accordance with Figure No. 1 and Table No. 70-C. Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figure No 2.

6. The faces of cut and fill slopes shall be prepared and maintained to control against erosion and to return the slope to its natural appearance to the extent possible. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. The planting shall be so timed that ground cover shall not be washed out by rains or burned due to lack of water. Where necessary, check dams, cribbing, riprap, and other devices or methods shall be employed to control erosion and provide safety.

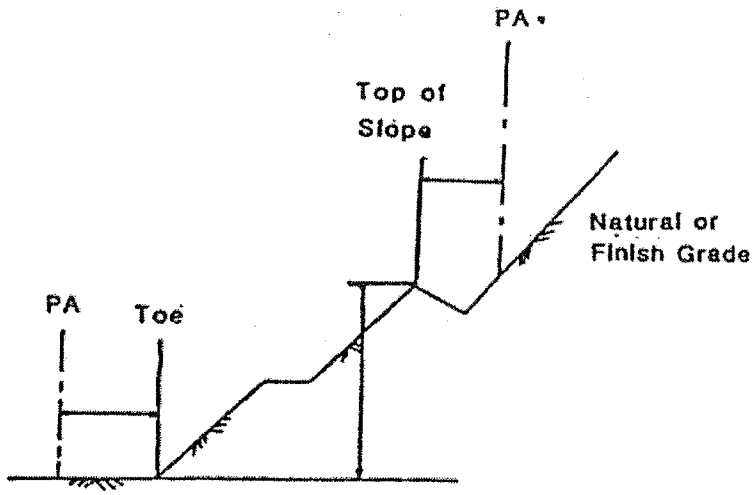


FIGURE NO.1

TABLE NO.70-C

REQUIRED SETBACKS FROM PERMIT AREA BOUNDARY

(IN FEET)

	SETBACKS	
H	a	b
Under 5	0	1
5-30	H/2	H/5
Over 30	15	6

Additional width may be req'd. for interceptor drain.

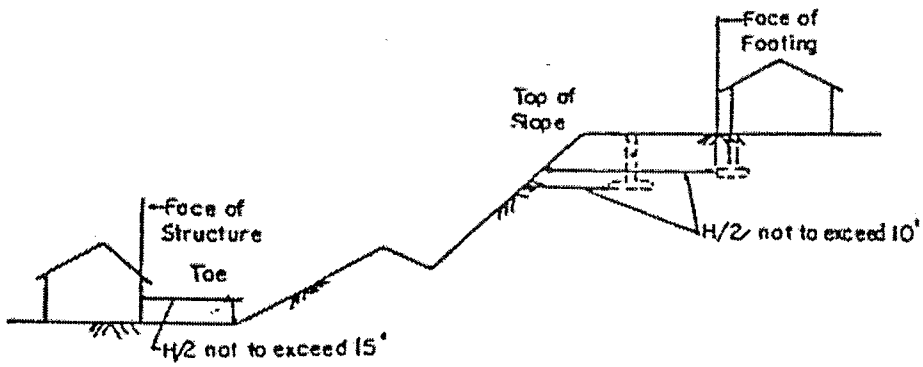


FIGURE NO.2

7. Vertical slope rounding shall be in accordance with details as recommended by the civil engineer and as approved by the city engineer.

8. A dust palliative shall be applied to the site when required by the city engineer. The type and rate of application shall be as recommended by the soils engineer and approved by the city engineer.

9. Erosion control measures shall be employed during the rainy season as recommended by the soils engineer and approved by the city engineer.

B. Drainage.

1. Terraces at least eight feet in width shall be established at not more than thirty-foot intervals, subject to maximum height limitations, to control surface drainage and debris on cut or fill slopes. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of three percent and shall be paved with reinforced concrete not less than three inches in thickness. They shall have a minimum paved width of five feet. A single run of swale or ditch shall not collect runoff from a tributary area exceeding fifteen thousand square feet (projected) without discharging into a down drain.

2. All drainage facilities shall be designed to carry waters to the nearest practical drainage way approved by the city and/or any other applicable jurisdiction as a safe place to deposit such waters. If drainage facilities discharge onto natural ground, riprap, and/or energy dissipators shall be constructed. All building sites shall be graded and sloped away from the building foundation with a minimum slope of two percent for a distance of ten feet on all sides of every building except where yard requirements are less than twenty feet, in which case the soil shall be graded away from the foundation to a minimum of two-tenths of a foot in elevation at a distance not less than one-half the required yard width. Lot drainage shall be directed toward approved drainage facilities at a minimum gradient of two percent unless otherwise approved by the city engineer.

3. Properly designed trash racks shall be installed on the upstream end of the storm drain pipes which accept drainage from a waterway which is not to be undergrounded. These racks are to be constructed so as to preclude large debris and small children from being pulled into the pipe from heavy storm flows. The city engineer may require the installation of trash racks at other locations as necessary for proper maintenance and safety. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.9)

12.16.030 Grading progress and inspection.

A. All grading operations for which a permit is required shall be subject to inspection by the city engineer.

B. For engineering grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. The civil engineer shall also be responsible for the professional inspection and certification of the grading within his/her area of technical specialty. This responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade, and drainage of the development area. The civil engineer shall act as the coordinating agent if the need arises for liaison between the other professionals, the contractor, and the city. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded plans upon completion of the work.

C. Prior to foundation work, the permittee's engineer shall certify that the building pad elevations do not vary more than two-tenths of a foot from the approved pad elevations.

D. During grading, all necessary reports, compaction data, and soil engineering geology recommendations shall be submitted to the civil engineer and the city engineer by the soil engineer and the engineering geologist.

E. The area of responsibility of the soil engineer shall include, but need not be limited to, the professional inspection and certification concerning the preparation of ground to receive fills, testing

for required compaction, stability of all finish slopes and design of buttress fills, and the design and need for subdrains and other ground water control devices, where required, incorporating data supplies by the engineering geologist.

F. The area of responsibility of the engineering geologist shall include, but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills, and the stability of cut slopes with respect to geological matters. The engineering geologist shall report findings to the soils engineer and civil engineer for engineering analysis.

G. The city engineer, upon at least twenty-four hours notification from the permittee or his or her agent, shall inspect the work at the following stages and whenever he or she deems it necessary, and shall either approve the portion then completed or shall notify the permittee or the permittee's agent as to how the work fails to comply with the requirements of this chapter:

1. Initial: When the silt has been cleared of vegetation and unapproved fill and has been scarified, benched or otherwise prepared, and before any fill is placed.

2. Rough: When rough grading has been completed and approximate final elevations have been established; drainage terraces, swales, and other drainage devices graded are ready for paving; and berms have been installed at the top of slopes.

3. Final: When work has been completed, and all drainage devices, systems and facilities have been installed and slope planting has been established. The civil engineer shall certify that all grading, lot drainage and drainage facilities have been completed, and that the slope planting has been installed in conformance with the approved plans and the requirements of this chapter. In addition to the called inspections specified above, the city engineer may make such other inspections as he or she deems necessary to determine that the work is being performed in compliance with the requirements of this chapter.

H. Periodic density tests made by the soils engineer shall be submitted to the city engineer. Dry density, moisture content, and the location, elevation, and sampling date of each sample taken shall be reported, along with sufficient data to correlate with laboratory analysis submitted.

I. Upon completion of the grading, the soils engineer shall certify that the site was graded and filled with the material in accordance with the approved specifications. The soils engineer shall also give a professional opinion regarding remaining shrinkage or settlement, expansive characteristics, slope stability, load bearing qualities, saline or alkaline conditions, and of any other conditions pertinent to construction upon the completed cut or fill.

J. If the civil engineer, the soil engineer, the engineering geologist, or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of technical competence for certification upon completion of the work.

K. If, in the course of fulfilling responsibility under this chapter, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not being done in conformance with this chapter, or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the city engineer. Recommendations for corrective measures, if necessary, shall be submitted.

L. Upon completion of the rough grading work and at the final completion of the work, the city engineer may require the following reports and drawings and supplements thereto:

1. An as-graded grading plan prepared by the civil engineer, including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and locations and elevations of all surface and subsurface drainage facilities;

2. A soil and geologic grading report prepared by the soil engineer and engineering geologist, including locations and elevations of field density tests, summaries of field and laboratory

tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. The report shall include a final description of the geology of the site, including any new information disclosed during the grading, and the effect of such information on recommendations incorporated in the approved grading plan. A certification shall be provided as to the adequacy of the site for the intended use as affected by soil and geologic factors.

M. The city engineer may require or allow modification of the erosion control plan after issuance of a permit so as to adjust the plan to the actual conditions on the site. (Ord. 1369 § 1 (part), 1981: prior code § 9-1.10)

Article II. Subdivisions

Chapter 12.20

GENERAL PROVISIONS

Sections:

12.20.010 Title.

This article shall be known and may be cited as the subdivision ordinance of the city of San Bruno. (Ord. 1352 § 1 (part), 1980: prior code § 21-1.1)

12.20.020 Authority.

This article is enacted pursuant to Article XI of the Constitution and general laws of the state of California, including the Subdivision Map Act (Section 66410 et seq., of the Government Code). This chapter is adopted to supplement and implement the Subdivision Map Act. (Ord. 1352 § 1 (part), 1980: prior code § 21-1.2)

12.20.030 Purposes.

This article is adopted for the following purposes:

A. To protect and provide for the public health, safety and general welfare of the city;

B. To guide the future growth and development of the city in accordance with the general plan;

C. To protect the character and the social and economic stability of all parts of the city by encouraging orderly and beneficial development;

D. To protect and conserve the value of land, buildings and improvements throughout the city, and to minimize the conflicts among the uses thereof;

E. To establish reasonable standards of design and procedures for subdivisions in order to provide for orderly layout and use of land and to insure adequate legal descriptions and monumenting;

F. To insure that governmental costs are minimized by requiring the installation of improvements of adequate size and quality;

G. To protect the community against excessive storm water runoff, flood, soil erosion, fire and geologic hazards;

H. To facilitate law enforcement and fire protection through orderly design and development and through the provision of adequate facilities and improvements;

I. To provide the community with adequate light, air and privacy;

J. To assure the provision of adequate water supply, storm drainage, sewage disposal and other utilities, services and improvements needed as a consequence of subdivision;

K. To provide lots of adequate size and appropriate design for the purposes for which they are to be used;

L. To preserve the natural beauty and topography of the city by giving appropriate consideration to provision of open space and conservation of natural features;

M. To guide public and private policy and action so as to insure availability of public transportation, educational and recreational facilities which are sufficiently coordinated with each proposed subdivision and have sufficient capacity to serve it;

N. To supplement and facilitate the enforcement of the provisions and standards of the building and housing codes and the zoning ordinance;

O. To prevent the pollution of air and streams;

P. To safeguard the water table;

Q. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic, with particular regard to the following:

1. Avoidance of congestion in the streets and highways,

2. Providing for pedestrian traffic movements appropriate to the various uses,

3. Providing for the proper location and width of streets and building lines,

4. Assuring that the streets have adequate capacity and improvements to provide access to abutting property and to carry the anticipated traffic,

5. Assuring that the streets are designed so as to minimize hazards to vehicles, their occupants and pedestrians,

6. Minimizing through traffic on residential streets,

7. Providing pedestrian and bicycle paths for the safety and convenience of pedestrians and cyclists, and enabling them to enjoy the amenities of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-1.3)

12.20.040 Interpretation.

A. The provisions of this article shall be interpreted and applied as minimum requirements except where it is expressly stated that any such requirement is to be a maximum. This article is not intended to impair or interfere with any private restrictions placed upon real property by covenant or deed: provided, however, that where this article imposes a greater restriction upon subdivision than is imposed or required by such private restriction, the provision of this article shall control.

B. This article is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Whenever any provision of this article and any other provision of law impose overlapping or contradictory regulations over the subdivision of land, or contain any restrictions covering the same subject matter, the provision which is more restrictive or imposes higher standards or requirements shall govern.

C. Whenever requirements are set forth in general terms in this article, the details of such requirements may be set forth in policies adopted from time to time by the city council or the planning commission.

D. This article shall not be construed as:

1. Abating any action now pending under or by virtue of prior existing subdivision regulations; or

2. Discontinuing, abating, modifying or altering any penalty accruing or about to accrue; or

3. Affecting the liability of any person; or

4. Waiving the right of the city under any provision of law; or

5. Vacating or annulling any rights obtained by any person by lawful action of the city except as shall be expressly provided in this article. (Ord. 1352 § 1 (part), 1980: prior code § 21-1.4)

12.20.050 Improvements.

A. Designation of Remainder Parcels. In the case of a subdivision of a portion of any unit or units of improved or unimproved land, the subdivider may designate as a remainder that portion which is not divided for the purpose of sale, lease or financing.

B. Improvements for Parcel Map Subdivisions. Where the subdivision is of a type described in subsection (A)(1) of Section 12.28.020, improvement shall be limited to the dedication of right-of-way, easements and the construction of reasonable offsite and onsite improvements for the parcels being created. Requirements for the construction of such offsite and onsite improvements shall be noticed by certificate on the parcel map, or by separate instrument and shall be recorded on, concurrently with, or prior to the parcel map or instrument of waiver of a parcel map being filed for record.

C. Timing of Construction Requirements. Fulfillment of construction requirements for improvements for designated remainder parcels described in subsection A and for parcel map subdivisions described in subsection B shall not be required until such time as a permit or other grant of approval for development of the parcel is issued by the city, or until construction of the subdivision improvements is required pursuant to an agreement between the subdivider and the city. In the absence of such an agreement, the construction require-

ments shall be fulfilled within a reasonable time following approval of the final parcel map or final tract map and prior to the issuance of a permit or other grant of approval for the development of the parcel, if at the time of the approval of the tentative parcel map or tentative tract map the planning director or the planning commission, as the case may be, finds that fulfillment of the construction requirements is necessary for reasons of (1) the public health and safety; or (2) the required construction is a necessary prerequisite to the orderly development of the surrounding area. Construction of all public improvements within a subdivision shall be completed prior to commencement of construction of any building within such subdivision. (Ord. 1352 § 1 (part), 1980: prior code § 21-1.5)

12.20.060 Payment of fees required.

The city council shall by resolution establish a schedule of fees for the processing of the various applications required by this article. No application shall be considered complete and ready for processing until and unless the required fees have been paid. (Ord. 1352 § 1 (part), 1980: prior code § 21-1.6)

Chapter 12.24

DEFINITIONS

Sections:

12.24.010 Use of definitions.

For the purpose of this article, the words and phrases set forth in this chapter shall have the meanings respectively ascribed to them herein. Whenever any words or phrases in this chapter are not defined herein but are defined in the Subdivision Map Act, in the zoning ordinance, or elsewhere in this code, such definitions are incorporated herein and shall apply to such words and phrases, unless the context clearly indicates a contrary intention. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.1)

12.24.020 Board of supervisors.

"Board of supervisors" means the board of supervisors of San Mateo County. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.2)

12.24.030 Building inspector.

"Building inspector" means the building official of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.3)

12.24.040 Chief of police.

"Chief of police" means the police chief of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.4)

12.24.050 City attorney.

"City attorney" means the city attorney of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.5)

12.24.060 City clerk.

"City clerk" means the city clerk of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.6)

12.24.070 City council.

"City council" means the city council of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.7)

12.24.080 City engineer.

"City engineer" means the deputy public works director—administration and engineering of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.8)

12.24.090 County recorder.

"County recorder" means the county recorder of San Mateo County. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.9)

12.24.100 Design.

"Design" means the following:

A. Street alignments, grades and widths;

B. Drainage and sanitary facilities and utilities, including alignments and grades thereof;

C. Location and size of all required easements and rights-of-way;

D. Fire roads and firebreaks;

E. Lot size and configuration;

F. Traffic access;

G. Grading;

H. Land to be dedicated for park or recreational purposes;

I. Such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of the general plan or any specific plan. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.10)

12.24.110 Designated remainder parcel.

"Designated remainder parcel" means a portion of a unit or units of improved or unimproved land which a subdivider has designated as not being divided for the purpose of sale, lease or financing. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.11)

12.24.115 Development.

"Development" means the uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto. (Ord. 1461 § 1, 1986)

12.24.120 Director of parks and recreation.

"Director of parks and recreation" means the parks and recreation director of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.12)

12.24.130 Final parcel map.

"Final parcel map" means the officially approved map made for the purpose of showing the design and improvement of a proposed subdivision described in subsection A of Section 12.28.020 and the existing conditions in and around it. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.13)

12.24.140 Final tract map.

"Final tract map" means the officially approved map made for the purpose of showing the design and improvement of a proposed subdivision described in subsection A of Section 12.28.010 and the existing conditions in and around it. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.14)

12.24.150 Fire chief.

"Fire chief" means the fire chief of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.15)

12.24.160 General plan.

"General plan" means the general plan of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.16)

12.24.170 Improvement.

"Improvement" means:

A. Such street work and utilities to be installed, by the subdivider on the land to be used for public or private streets, highways, ways and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof; and

B. Such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the city or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan or any specific plan. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.17)

12.24.180 Interested party.

"Interested party" means any person owning property or residing within the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.18)

12.24.190 Lot line adjustment.

"Lot line adjustment" means the transfer of land between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel and where a greater number of parcels than originally existed is not created. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.18.5)

12.24.200 Open space.

"Open space" means an area of land which is essentially unimproved and devoted to the preservation of natural resources, the managed production of resources, outdoor recreation, and public health and safety. Examples of open space uses are set forth in subsection (b) of Section 65560 of the Government Code. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.19)

12.24.210 Planning commission.

"Planning commission" means the planning commission of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.20)

12.24.220 Planning director.

"Planning director" means the community and economic development director of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.21)

12.24.230 Standard specifications.

"Standard specifications" means the most recently adopted or approved edition of the Standard Specifications of the city of San Bruno department of engineering. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.22)

12.24.240 Subdivider.

"Subdivider" means a person, firm, corporation, partnership or association who or which proposes to divide, divides or causes to be divided real property into a subdivision for himself or herself or for others; provided, however, that employees and consultants of such persons or entities, acting in such capacity, are not subdividers. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.23)

12.24.250 Subdivision.

A. "Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way.

B. "Subdivision" includes the following:

1. A condominium project, as defined in Section 1350 of the Civil Code;

2. A community apartment project, as defined in Section 11004 of the Business and Professions Code;

3. The conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code.

C. "Subdivision" does not include:

1. Leases of agricultural land for agricultural purposes. As used herein, the term "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock;

2. Short-term leases (terminable by either party on not more than thirty days' notice in writing) of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code unless a showing is made in individual cases, under substantial evidence, before the city council, that public policy necessitates the application of such regulations to such short-term leases in such individual cases;

3. The financing or leasing of apartments, offices, stores, or similar space within apartment buildings, industrial buildings, commercial buildings, mobile-home parks or trailer parks;

4. The financing or leasing of any parcel of land, or any portion thereof, in conjunction with the construction of commercial or industrial buildings on a single parcel, unless the project is not subject to review under other city ordinances regulating design and improvement;

5. The financing or leasing of existing separate commercial or industrial buildings on a single parcel;

6. Mineral, oil, or gas leases;

7. Land dedicated for cemetery purposes under the Health and Safety Code of the State of California;

8. Boundary line or exchange agreements to which the State Lands Commission or a local agency holding a trust grant of tide and submerged lands is a party;

D. Any conveyance of land to a governmental agency, public entity, public utility or subsidiary of a public utility for conveyance to such public utility for rights-of-way shall not be considered a division of land for purposes of computing the number of parcels. (Ord. 1418 §§ 1 and 2, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-2.24)

12.24.260 Subdivision Map Act.

"Subdivision Map Act" means the current provisions of Title 7, Division 2, of the Government Code of the state of California. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.25)

12.24.270 Tentative parcel map.

"Tentative parcel map" means the preliminarily approved map made for the purpose of showing the design and improvement of a proposed subdivision described in subsection A of Section 12.28.020 and the existing conditions in and around it. Such map need not be based upon an accurate or detailed final survey of the property. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.26)

12.24.280 Tentative tract map.

"Tentative tract map" means the preliminarily approved map made for the purpose of showing the design and improvement of a proposed subdivision described in subsection A of Section 12.28.010 and the existing conditions in and around it. Such map need not be based upon an accurate or detailed final survey of the property. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.27)

12.24.285 Vesting tentative map.

"Vesting tentative map" means the preliminarily approved map made for the purpose of showing the design and improvement of a proposed subdivision described in either subsection A of Section 12.28.010 or subsection A of Section 12.28.020 and the existing conditions in and around it. Such map need not be based upon an accurate or detailed final survey of the property. Such map shall meet the requirements of Chapter 12.38. (Ord. 1461 § 2, 1986)

12.24.290 Zoning ordinance.

"Zoning ordinance" means the zoning ordinance of the city. (Ord. 1352 § 1 (part), 1980: prior code § 21-2.28)

Chapter 12.26

VOTER APPROVAL FOR HIGH-RISE, HIGH DENSITY, SCENIC CORRIDOR, AND OPEN-SPACE DEVELOPMENTS

Sections:

12.26.010 Introduction—Reproduction of notice of intent to circulate petition.

Editor's Note: Pursuant to section 4 of Ordinance 1284, the "Notice of Intent to Circulate Petition" for the initiative entitled "Initiative Measure to Require an Affirmative Vote of the Voters of the City of San Bruno Prior to the Issuance of any Permits or Other Approvals for High-Rise or High-Density Developments and Projects Encroaching Upon Scenic Corridors and Open Spaces" is reproduced below. The petition was certified by the city clerk on May 23, 1977, and adopted by the city council on June 1st, 1977, pursuant to Sections 4010 and 4011 of the 1977 California Elections Code [2005 Government Code Sections 9200 et seq.]

Notice is hereby given of the intention of the persons whose names appear hereon to circulate the petition within the city of San Bruno for the purpose of assuring referral to the qualified electors of San Bruno certain planning and zoning enactments proposed by the City Council which may establish new precedents in planning and zoning policies: substantially affect air and noise pollution; substantially encroach upon scenic corridors; and any other enactments which may threaten the community, its quality of life or its interaction with neighboring communities.

A statement of the reasons of the proposed action as contemplated in said petition is as follows:

Air pollution, noise pollution, traffic congestion, energy shortages, depletion of open space and flora and fauna, and aggravation of attendant storm drainage and waste disposal problems—all associated with planning and zoning policies which promote high densities, breaking of existing height limits and dilution of increasingly scarce community resources—are rapidly approaching emergency proportions in a community further deluged by major highway and freeway systems and airport operations. The peace, comfort and enjoyment of suburban living of the very recent past is rapidly being displaced by pollution, clamor and depletion of community environmental resources. Unless these accelerated trends are halted quickly, San Brunans will be irreversibly plunged into the problems of central-city despair which heretofore have been avoided or kept at controlled minimal levels.

It is essential to adopt this initiative proposal so that San Bruno citizens may have the opportunity to make for themselves the final decisions on these types of crucial, turning-point planning and zoning enactments proposed by the City Council. We citizens of San Bruno, and we alone, should decide the ultimate direction and character of this community which we who live here love and wish to preserve.

/s/ Terri Rasmussen
/s/ Dr. Louis Maraviglia
/s/ Rose Urbach
/s/ Lawrence Lucero
/s/ Gary Mondfrans

(Ord. 1284, § 4 (part), 1977)

12.26.020 Election required—Specification of project types.

Unless and until approved by a majority of the voters of the city, voting at a general or special election, no building permits, grading permits or other approvals shall be issued to allow or authorize the initiation or construction of buildings, other structures, land development projects or land uses described below:

A. Buildings or other structures exceeding fifty feet in height;

B. Buildings or other structures exceeding three stories in height;

C. Buildings or other structures, modifications or redevelopment thereof in residential districts which increase the number of dwelling units per acre or occupancy, within each acre or portion thereof, in excess of limits permitted on October 10, 1974, under the then existing zoning chapter of the city of San Bruno;

D. Multistory parking structures or buildings;

E. Buildings or other structures, modifications or redevelopment thereof which encroach upon, modify, widen or realign the following streets designated as scenic corridors: Crystal Springs Road between Oak Avenue and Junipero Serra Freeway; and Sneath Lane from El Camino Real to existing westerly City limits. (Ord. 1284 § 1, 1977)

12.26.030 Pre-election hearings.

A. In voting upon this initiative ordinance and subsequent referrals thereunder, the People hereby find and declare that this ordinance and subsequent referrals are crucial legislative policy-making decisions by the voters of San Bruno necessary to adequately protect the health, safety and welfare of its citizens under present and future conditions.

B. To provide a knowledgeable basis for voter decisions and adequate opportunity to property owners who may be adversely affected to present their viewpoints to the planning commission, city council and voters, it is essential that the city council should provide for the following prior to election on this initiative ordinance and subsequent referrals thereunder:

1. Compliance with Section 4017 of the Elections Code providing for proponent and opponent arguments in the Voters Pamphlet and Sections 65854 et seq., of the Government Code providing for public hearings before the planning commission and city council.

2. Town-hall type of hearing whereby experts, proponents and opponents may be heard and questioned by voters in attendance; and availability to voters for loan or review at city hall of summaries of hearings and EIR proceedings before the planning commission and city council and all other relevant materials. (Ord. 1284 § 2, 1977)

12.26.040 Appeals—Election expenses—Deposit required.

Any owner-applicant may appeal denial of his application to the voters by accompanying such request with a sufficient deposit to cover entire expense of such election. (Ord. 1284 § 3, 1977)

Chapter 12.28

REQUIRED MAPS

Sections:

12.28.010 Tentative and final tract map.

A. General Requirement. A tentative tract map and final tract map shall be required for the following:

1. All subdivisions creating five or more parcels;

2. Five or more condominiums as defined in Section 783 of the Civil Code;

3. A community apartment project containing five or more parcels;

4. The conversion of a dwelling to a stock cooperative containing five or more dwelling units.

B. Exceptions. A tentative tract map and final tract map shall not be required in the following cases:

1. Where the land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the city council; provided, however, that this paragraph shall not be applicable to condominium, community apartment, and stock cooperative projects described in subsection A;

2. Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway;

3. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the city council as to street alignments and widths; or

4. Each parcel created by the division has a gross area of not less than forty acres or is not less than a quarter of a quarter section. (Ord. 1352 § 1 (part), 1980: prior code § 21-3.1)

12.28.020 Tentative parcel map and final parcel map.

A. General Requirement. A tentative parcel map and final parcel map shall be required for the following:

1. All subdivisions creating less than five parcels;

2. Less than five condominiums as defined in Section 783 of the Civil Code;

3. A community apartment project containing less than five parcels;

4. The conversion of a dwelling to a stock cooperative containing less than five dwelling units;

5. All subdivisions for which tentative and final maps are not required due to an exception set forth in subsection B of Section 12.28.010.

B. Exceptions. A tentative parcel map and final parcel map shall not be required in the following cases:

1. Where the subdivision is created by a short-term lease (terminable by either party on not more than thirty days' written notice in writing) of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code;

2. Where land is conveyed to or from a government agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, to the planning director that public policy necessitates such a parcel map.

C. Waiver. The requirements for a parcel map may be waived if the planning director reviews an application for waiver, and finds that the proposed division of land complies with requirements established pursuant to this chapter as to the following:

1. Area;

2. Improvement and design;
3. Floodwater drainage control;
4. Appropriate improved public roads;
5. Sanitary disposal facilities;
6. Water supply availability;
7. Environmental protection;
8. Other requirements of this article and the Subdivision Map Act. (Ord. 1352 § 1 (part), 1980: prior code § 21-3.2)

12.28.030 Merger of parcels.

A. General Nonmerger Rule. Except as provided in subsection B, and notwithstanding the provisions of Section 12.24.250, two or more contiguous parcels or units of land which:

1. Have been created under the provisions of the Subdivision Map Act or any prior law regulating the division of land or a local ordinance enacted pursuant thereto; or

2. Were not subject to such provisions at the time of their creation shall not merge by virtue of the fact that such contiguous parcels or units are held by the same owner, and no further proceeding shall be required for the purpose of sale, lease or financing of such contiguous parcels or units, or any of them.

B. Exception: When Parcels Merge. Two or more contiguous parcels or units held by the same owner shall be deemed to have merged if:

1. Any one of them is located in R-1, R-2, R-3, R-4, C-1, C-2, or M-1 zoning district and comprises less than five thousand square feet in area at the time of determination of merger; and

2. At least one of such contiguous parcels or units is undeveloped by any structure for which a building permit was issued by the city or for which a building permit was not required at the time of construction, or is developed only with one or more accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is reported.

C. Procedure; Merger of Parcels.

1. A merger of parcels becomes effective when the planning director causes to be filed for record with the county recorder a notice of merger specifying the names of the record owners and particularly describing the real property.

2. Prior to recording a notice of merger, the planning director shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified by ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the county recorder on the date that notice is mailed to the property owner.

3. At any time within thirty days after recording of the notice of intention to determine status, the owner of the affected property may file with the planning director a request for hearing on determination of status.

4. Upon receiving a request for a hearing on determination of status, the planning director shall fix a date, time, and place for a hearing to be conducted by the planning commission, and shall so notify the property owner by certified mail. The hearing shall be conducted not less than thirty days following the receipt by the planning director of the property owner's request therefor, but may be postponed or continued with the mutual consent of the planning commission or planning director and the property owner.

5. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in subsection B of this section. At the conclusion of the hearing, the planning commission shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. A determination of merger shall be recorded within thirty days after the conclusion of

the hearing, as provided for in paragraph 1 of this subsection.

6. If, within the thirty day period specified in paragraph 3, the owner does not file a request for a hearing in accordance with paragraph 5, the planning director may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded as provided for in paragraph 1 no later than ninety days following the mailing of notice required by paragraph 2.

7. If, in accordance with paragraphs 5 or 6, it is determined that the subject property shall not be merged, the planning director shall cause to be recorded in the manner specified in paragraph 1 a release of the notice of intention to determine status, recorded pursuant to paragraph 2, and shall mail a clearance letter to the then current owner of record. (Ord. 1461 § 3, 1986: Ord. 1352 § 1 (part), 1980: prior code § 21-3.3)

12.28.040 Unmerger of parcels.

A. Merged Parcels Which Unmerge. Any parcel which has merged, and for which a notice of merger has not been recorded on or before January 1, 1984, shall be deemed not to have merged if on January 1, 1984, none of the conditions described in Section 66451.30(b) of the Government Code exist and if the parcel meets each of the following criteria:

1. Comprises at least five thousand square feet in area.

2. Was created in compliance with applicable laws and ordinances in effect at the time of its creation.

B. Determination as to Unmerger. Upon application of the owner and payment of any applicable fees, the planning director shall make a determination that the affected parcels have merged, or if meeting the criteria of subsection A, are to be unmerged.

C. Notice of Status of Parcels Meeting Standards for Unmerger. Upon determination that the parcels have merged and the parcels meet the standards for unmerger set forth in subsection A the planning director shall issue to the owner and record with the county recorder a notice of the status of the parcels which will identify each parcel and declare that the parcels are unmerged pursuant to Article 1.5 of division 2 of Title 7 of the Government Code.

D. Notice of Merger. Upon a determination that the parcels have merged and do not meet the criteria in subsection A, the planning director shall issue to the owner and record with the county recorder a notice of merger as provided in Section 12.28.030C.1. (Ord. 1461 § 4, 1986)

Chapter 12.32

TENTATIVE AND FINAL PARCEL MAPS

Sections:

12.32.010 Applicability.

When a parcel map is required for a subdivision pursuant to this article, the procedures of this chapter shall be applicable. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.1)

12.32.020 Form.

The subdivider shall cause the tentative parcel map to be prepared by or under the direction of a registered civil engineer or licensed land surveyor. The tentative parcel map shall be in full conformance with the requirements of this chapter and shall be clearly and legibly drawn. The map shall be eighteen inches by twenty-six inches in size and be to a minimum scale of one inch equals one hundred feet, unless the planning director finds that a larger scale will facilitate review by the city. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. (Ord. 1418 § 3, 1983: prior code § 21-4.2(a))

12.32.030 Information.

The tentative parcel map shall have the following information:

1. The tentative project name, if determined, and the tentative parcel map number;
2. Date of preparation;
3. North arrow;
4. Scale;
5. The names and addresses of all parties having any interest in the real property being subdivided;
6. Names, addresses, and registration stamp of the person(s) who prepared the map;
7. Existing and proposed contour lines and sources of contour information;
8. Existing and proposed streets;
9. Existing and proposed sidewalks;
10. Proposed lot lines and dimensions;
11. Proposed areas for public use;
12. Proposed conservation or open space easements;
13. Approximate percent of grades on streets;
14. Areas of lots in square footage; front footages and widths of lots, and approximate location

of all existing buildings on the property which are to be retained;

15. Proposed method of water supply for domestic purposes and for fire protection;

16. Proposed method of sewage disposal;

17. Project boundary approximate dimensions with legal descriptions;

18. In cases where the effective use of the land to be developed necessitates grading, proposed grading by means of both contour lines and supplementary cross sections through the property;

19. Any geologic information required by state law or by the planning director or the city engineer;

20. Lot numbers in consecutive sequence;

21. Assessor's parcel numbers;

22. Approximate locations of areas subject to inundation or flooding and the location, width and direction of flow of all water courses;

23. Location of all existing structures and all trees with a trunk diameter of four inches or greater measured three feet above the existing grade;

24. Sufficient blank spaces for all certificates of planning director and city engineer, signatures, and notes;

25. Ties to the property in relation to the adjacent land and adjacent public streets or street intersections;

26. A vicinity map;

27. A title report prepared within six months prior to the filing of the application;

28. Such other information as may be required by the planning director or city engineer. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.2(b))

12.32.040 Grading.

The subdivider shall file an application for a grading permit pursuant to Chapter 12.08 of this code with the tentative parcel map where grading is necessary in connection with the development of the subdivision to the extent that a grading permit is required. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.2(c))

12.32.050 Geologic report.

Where the Alquist-Priolo Special Studies Zones Act (Public Resources Code, Section 2621 et seq.) requires that as a condition of approval of a project at the location of the proposed subdivision a geologic report defining and delineating any hazard of surface fault rupture, such report shall be filed prior to consideration of the tentative parcel map. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.2(d))

12.32.060 Soils report.

A. A preliminary soils report, prepared by a civil or soil engineer registered in California and based upon adequate test borings in pits shall be submitted at the time of the filing of the tentative parcel map.

B. Such report may be waived by the planning director if he or she finds that there is sufficient information in the possession of the city as to the qualities of the soil in the subdivision so that no preliminary analysis is necessary.

C. If the city has information of, or if the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, the planning director may require a soils investigation of each lot in the subdivision. Such soils investigation shall be done by a civil engineer registered in California, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the areas where such soils problems exist.

D. The planning director may approve the tentative parcel map where such soil problems exist if he or she determines that the recommended action is likely to prevent structural damage to each structure to be constructed. A condition of approval of any building permit may require that the approved recommended action be incorporated in the construction of each structure. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.2(e))

12.32.070 Drainage study.

A drainage study prepared by a civil engineer registered in California shall be submitted at the

time of the filing of the tentative parcel map. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.2(f))

12.32.080 Relationship to future development.

When a subdivider proposes to subdivide a portion of a larger parcel, he or she shall demonstrate in a master plan drawing how the proposed subdivision shall relate to the future development of the remainder of the parcel. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.3)

12.32.090 Initial review.

A. The subdivider shall submit three copies of the tentative parcel map to the planning director for an initial review. The director shall review the tentative parcel map for adequacy and completeness of the information required and shall inform the subdivider in writing within thirty days of the submittal as to whether the map and information are adequate and complete.

B. If the director determines that the information is not adequate or complete, the subdivider may resubmit the information required in order to complete processing.

C. If the information is found by the director to be adequate and complete, the subdivider may submit to the director copies of the tentative parcel map in accordance with Section 12.32.100. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.4)

12.32.100 Filing.

The subdivider shall submit ten copies of the tentative parcel map and a sepia and all other information, with the prescribed filing fee to the planning director. Upon such submittal and the payment of the prescribed fee, the application shall be deemed to be filed. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.5)

12.32.110 Distribution and review.

When the tentative parcel map is filed, the planning director shall transmit copies thereof to the city engineer, fire chief, chief of police, director of parks and recreation, persons in charge of cable television, sewer and water operations, representatives of Pacific Telephone and Telegraph Company and Pacific Gas and Electric Company, school districts having jurisdiction within the city, adjacent cities, the Department of Transportation of the state, San Mateo County Health Department, and such other public agencies as the planning director deems advisable. Upon such transmittal, the planning director shall advise each recipient that comments regarding the tentative parcel map must be submitted to him or her within thirty days of the date of transmittal. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.6)

12.32.120 Reports of consultants.

The planning director may engage the services of certain consultants to include, but not be limited to the following: Engineering geologist, soil engineer, landscape architect and seismologist. He or she may request the consultants to review the plans for the subdivision and to submit a written report. The subdivider shall be responsible for reimbursement to the city for any cost it incurs for use of any consultants. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.7)

12.32.130 Notice to school district.

A. Within ten days of the filing of the tentative parcel map, the planning director shall send a notice of the filing of the map to the governing board of any school district within the boundaries of which the subdivision is proposed to be located.

B. Such notice shall contain information about the location of the proposed subdivision, the number of units, density and other information which would be relevant to the district.

C. If the governing board of the district fails to respond within twenty working days of the date on which the notice was mailed to the school district for comment, such failure to respond shall be deemed approval of the proposed subdivision. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.8)

12.32.140 Review by planning director.

When the review of the tentative parcel map shall have been completed, the planning director shall prepare a report and analysis of the proposed tentative parcel map, which shall detail wherein the proposed subdivision does or does not conform with the requirements of this chapter. The report shall be mailed to the subdivider and to each tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project not less than three days prior to the public hearing on the application, except if and to the extent that such notice is waived. Fees may be collected from the subdivider for expenses incurred under this section. (Ord. 1418 § 4, 1983: prior code § 21-4.9)

12.32.150 Standard conditions of approval.

The following conditions are standard conditions of approval of all tentative parcel maps. Unless specifically modified or waived pursuant to this chapter, such conditions shall apply to the approval of each tentative parcel map. The planning director shall cause each approval of such map to indicate that the approval is subject to all standard conditions of approval as set forth in this section, except as specifically waived or modified. Such conditions shall be applicable to all tentative parcel maps deemed approved by operation of law or failure to take formal action within the period required by law. The conditions are:

A. The city reserves the right to require the subdivider to provide easements for public utilities as needed.

B. Prior to recordation of the final parcel map, an improvement plan for public improvements shall be submitted by the subdivider to the city for review and comment.

C. Prior to recordation of the final parcel map, the subdivider shall submit to the city for review and comment a schedule of development plan.

D. Prior to the recordation of the final parcel map, the subdivider shall enter into a master subdivision agreement with the city.

E. Prior to the recordation of the final parcel map, a final electrical plan for the installation of street lights shall be submitted by the subdivider for review and comment.

F. Prior to the recordation of the final parcel map, the subdivider shall submit to the city for review and comment a landscape planting plan.

G. Prior to the recordation of the final parcel map, the subdivider shall submit to the city an appraisal report which indicates the value of the improved land as a result of the subdivision to determine in-lieu fees.

H. Prior to the recordation of the final parcel map, the subdivider shall submit to the city a recreation fee based upon the formula set forth in Section 12.44.140.

I. Prior to the issuance of a city building permit, a maintenance of landscaping agreement shall be signed by the subdivider for the maintenance of the proposed street trees, which agreement shall run with the land and be binding upon successors in interest of the subdivider

J. The city reserves the right to require full replacement of existing curb, gutter, and sidewalk improvements along the frontage of the subdivision. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.10)

12.32.160 Public hearing.

A. The planning director shall schedule a public hearing at which the tentative parcel map shall be considered.

B. Not less than ten days before the public hearing, the planning director shall give notice of the time and place thereof and a general description of the location of the subdivision or proposed subdivision by at least one publication in a newspaper of general circulation printed and published in the county and circulated in the city.

C. Not less than ten days prior to such hearing there shall be mailed, postage prepaid, a notice of the time and place of such hearing and a general

description of the location of the subdivision or proposed subdivision to all persons whose names and addresses appear on the last equalized assessment roll as owning real property within three hundred feet from the exterior boundaries of the proposed subdivision. In the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, such notice shall also be given to each tenant of the subject property, and, in addition to notice of the time and place of the public hearing, shall include notification of the tenant's right to appear and the right to be heard. Fees may be collected from the subdivider for expenses incurred under this section.

D. The planning director shall conduct a public hearing on the application for the tentative parcel map.

E. Failure to receive the notice required by this section shall not invalidate any action taken pursuant to this article. (Ord. 1418 § 5, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-4.11)

12.32.170 Environmental review.

The planning director shall not approve a tentative parcel map unless, with regard to the project for which tentative parcel map approval is sought, he or she shall have determined, pursuant to the California Environmental Quality Act (CEQA), or regulations promulgated thereunder:

A. That the project is exempt from CEQA; or

B. That a negative declaration for the project shall have been certified; or

C. That a final environmental impact report (EIR) for the project shall have been reviewed, considered and certified. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.12(a))

12.32.180 Time limit.

A. Not later than fifty days after the filing of the tentative parcel map, the planning director shall approve, conditionally approve, or disapprove it and shall report his or her action to the subdivider, unless the subdivider shall have authorized an extension for such action in writing. The planning director shall comply with the time periods referred to in Section 21151.5 of the Public Resources Code, within the time limits set forth in this subsection. However, if an environmental impact report is prepared for the tentative parcel map, the fifty day period specified in this subsection shall not apply, and the planning director shall render his or her decision required by this subsection within forty-five days after certification of the environmental impact report.

B. No routine waiver of the time limits shall be required as a condition of accepting the application for the tentative parcel map unless the routine waiver is obtained for the purpose of permitting concurrent processing of related approvals or an environmental review on the same development project.

C. At the time that the subdivider makes an application for approval of a tentative parcel map, the planning director shall determine whether or not the city is able to meet the time limits specified by law for reporting and acting on maps. If the planning director determines that the city will be unable to meet such time limits, the city shall, upon request of the subdivider and for the purpose of meeting such time limits, contract or employ a private entity or persons on a temporary basis to perform such services as necessary to permit the city to meet such time limits. However, the city need not enter into such a contract or employ such persons if the planning director finds that (1) no such entities or persons are available or qualified to perform such services or (2) the city would be able to perform services in a more rapid fashion than would any available and qualified persons or entities.

D. Such entities or persons may, pursuant to an agreement with the city, perform all functions necessary to process the tentative parcel map and final parcel map and to comply with other requirements imposed pursuant to the Subdivision Map Act and this article, except those functions reserved to the city council. The city may charge subdividers fees in an amount necessary to defray costs directly attributable to employing or contracting with

entities or persons performing services pursuant to this section.

E. If no action is taken upon the tentative parcel map by the planning director within said fifty day time period, or any authorized extension thereof, the tentative parcel map as filed shall be deemed to be approved insofar as it complies with other applicable requirements of the Subdivision Map Act, this article, and this code. (Ord. 1418 § 6, 1983: prior code § 21-4.12(b))

12.32.190 Findings for approval.

After the conclusion of the public hearing, the planning director shall approve the tentative parcel map if he or she makes all of the following findings:

A. The proposed parcel map, together with the provisions for its design and improvement, is consistent with the general plan and any specific plan as specified in Section 65451 of the Government Code. This subsection shall not be applicable to condominium projects or stock cooperatives which consist only of the subdivision of airspace in an existing structure unless such general plan contains definite objectives and policies, specifically directed to the conversion of existing buildings into condominium projects or stock cooperatives.

B. The real property to be subdivided, and each lot or parcel to be created, is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, geologic hazard or other menace;

C. Each lot or parcel to be created will constitute a buildable site and will be capable of being developed in accordance with the applicable provisions of the zoning ordinance;

D. The site is physically suitable for the type and proposed density of development;

E. The design of the subdivision and improvements, and the type of improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, or to cause serious public health problems;

F. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision. The planning director may approve a map if he or she finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall only be applicable to easements of record or easements established by judgment in a court of competent jurisdiction. (Ord. 1418 § 7, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-4.12(c))

12.32.200 Disapproval when.

The planning director shall deny approval of a tentative parcel map if he or she makes any of the following findings:

A. That the proposed map is not consistent with the general plan or any applicable specific plan as specified in Section 65451 of the Government Code. This subsection shall not apply to condominium projects or stock cooperatives which consist only of the subdivision of airspace in an existing structure unless such general plan contains definite objectives and policies, specifically directed to the conversion of existing buildings into condominium projects or stock cooperatives.

B. That the design or improvement of the proposed subdivision is not inconsistent with the general plan or any applicable specific plan;

C. That the site is not physically suitable for the type of development;

D. That the site is not physically suitable for the proposed density of development;

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife and their habitat:

F. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;

G. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large, for access through

or use of, property within the proposed subdivision, and that no alternative easement for access or for use will be provided which will be substantially equivalent to ones previously acquired by the public. (Ord. 1418 § 8, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-4.12(d))

12.32.210 Technical map deficiencies.

Where a map fails to meet or perform any requirement imposed by the Subdivision Map Act or by this chapter, the planning director may nevertheless approve the map if he or she finds that the failure of the map is the result of a technical or inadvertent error which, in his or her judgment, does not materially affect the validity of the map. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.12(e))

12.32.215 Parcel maps considered pending legislative amendments.

A. In determining whether to approve or disapprove an application for a tentative parcel map, the planning director shall apply only the ordinances, policies, and standards in effect at the date the city has determined that the application is complete pursuant to Section 65943 of the Government Code.

B. However, if the city has formally initiated proceedings by way of ordinance or resolution and has published notice of such ordinance or resolution, in accord with the procedures used by the city for publication of ordinances, to amend applicable general or specific plans, or zoning or subdivision ordinances before it has received the completed application, the planning director may apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the planning director approves or disapproves the tentative parcel map.

C. If the subdivision applicant requests changes in applicable ordinances, policies, or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.

D. This section shall not apply to tentative parcel maps which were approved, conditionally approved, or disapproved prior to July 1, 1983.

E. This section shall be inoperative after January 1, 1989. (Ord. 1418 § 9, 1983: prior code § 21-4.12(f))

12.32.220 Notification of action by planning director.

Notice of approval, denial or conditional approval shall be mailed to the subdivider by the planning director within ten days of the action on the map. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.13)

12.32.230 Withdrawal of map.

A subdivider may withdraw the tentative parcel map application by transmitting written notice of withdrawal to the planning director. No refund in filing fee for any such map withdrawn shall be made. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.14)

12.32.240 Time extensions of approved tentative parcel map.

A. An approved or conditionally approved tentative parcel map shall expire twenty-four months after its approval or conditional approval.

B. The expiration of the approved or conditionally approved tentative parcel map shall terminate all proceedings and no final parcel map of all or any portion of the real property included within the tentative parcel map shall be filed without first processing a new tentative parcel map. Once a timely filing is made, subsequent actions of the city, including, but not limited to, processing, approving, and recording, may lawfully occur after the date of expiration of the tentative parcel map.

C. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative parcel map, the time at which the map expires may be extended by the planning director for a period or periods not exceeding a total of three years. If the planning director denies a subdivider's application for extension,

the subdivider may appeal to the city council pursuant to Chapter 12.64.

D. The period of time specified in subsection A shall not include periods of time described in subsections (a) and (c) of Section 66452.6 of the Government Code. (Ord. 1418 § 10, 1983: prior code § 21-4.15)

12.32.250 Amendment.

An approved tentative parcel map may be amended by filing an application therefor in map form and in writing with the planning director. Such application shall be processed in the same manner as an original application for a tentative parcel map. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.16)

12.32.260 Final parcel map—Processing procedure.

The procedure for processing a final parcel map shall be as set forth in Chapter 12.40; provided, however, that the city engineer shall be responsible for approval, conditional approval, or disapproval of final parcel maps and acceptance or rejection of dedications or offers of dedication. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.17)

12.32.270 Final parcel map—Conformity.

A. Upon receipt by the city engineer of the final parcel map and the other data submitted therewith, he or she and the planning director shall, within fifteen days of the date of filing, examine the final parcel map to determine that the subdivision as shown thereon is substantially the same as it appeared on the tentative parcel map and that all provisions of the Subdivision Map Act and of this chapter which were applicable at the time of approval of the tentative parcel map have been complied with.

B. If the city engineer and the planning director determine that full conformity therewith has not been made, they shall advise the subdivider of the changes or additions that shall be made for such purpose.

C. If the city engineer and the planning director determine that full conformity therewith has been made, they shall so certify on the tracing of such map and shall transmit such map to the city clerk.

D. The city clerk shall certify on the tracing of such map that such map is ready for recordation. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.18)

12.32.280 Final parcel map—Transmittal to county recorder.

After the approval of a final parcel map, the city clerk shall transmit such map directly to the county recorder. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.19)

12.32.290 Final parcel map—Correction and amendment.

A. After a final parcel map is filed in the office of the county recorder, it may be amended by a certificate of correction or an amending map:

1. To correct an error in any course or distance shown thereon; or

2. To show any course or distance that was omitted therefrom; or

3. To correct an error in the description of the real property shown on the map; or

4. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments; or

5. To show the proper location or character of any monument which has been changed in location or character which originally was shown at the wrong location or incorrectly as to its character; or

6. To correct any other type of map error or omission as approved by the city engineer which does not affect any property right. Such errors and omissions may include, but are not limited to lot numbers, acreage, street names and identification of adjacent record maps.

As used in this section, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final parcel map.

B. The amending map or certificate of correction shall be prepared and signed by a civil engineer or land surveyor. An amending map shall conform to the requirements of Section 66445 of the Government Code. The amending map or certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction or omission. The map shall be filed with the director of planning and building.

C. The amending map or certificate of correction certified by the city engineer shall be filed with the county recorder. (Ord. 1352 § 1 (part), 1980: prior code § 21-4.20)

Chapter 12.36

TENTATIVE TRACT MAPS

Sections:

12.36.010 Applicability.

When a tract map is required for a subdivision pursuant to this article, the procedures of this chapter shall be applicable. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.1)

12.36.020 Form.

The subdivider shall cause the tentative tract map to be prepared by a registered civil engineer or licensed land surveyor. The tentative tract map shall be in full conformance with the requirements of this chapter and shall be clearly and legibly drawn. The map shall be eighteen inches by twenty-six inches in size and be to a minimum scale of one inch equals one hundred feet, unless the planning director finds that a larger scale will facilitate review by the city. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.2(a))

12.36.030 Information.

The tentative tract map shall have the following information:

1. A key map showing the location of the proposed subdivision;
2. The tentative project name, if determined, and the tentative tract map number;
3. Date of preparation;
4. North arrow;
5. Scale;
6. The names and addresses of all parties having any record interest in the real property being subdivided;
7. Names, addresses and registration stamp of the person(s) who prepared the map;
8. The names and numbers of adjacent subdivisions showing the lot and block or parcel numbers for adjoining lots and the names of the owners and parcel numbers of other adjacent land;
9. Project boundary approximate dimensions with legal descriptions;
10. Existing use of land;
11. Location and outline to scale of all existing and proposed building sites and driveways with

an indication of whether they are to remain or be removed;

12. Existing and proposed contour lines and sources of contour information;

13. Existing and proposed streets;

14. Approximate percent of grades on streets;

15. Approximate centerline or property line radii of all curves on streets;

16. Proposed lot lines;

17. Lot numbers in consecutive sequence;

18. Areas of lots in square footage, front footage and width of lots;

19. Assessors parcel numbers;

20. Proposed areas for public use;

21. Proposed conservation or open space easements;

22. Approximate locations of areas subject to inundation or flooding and the location, width and direction of flow of all water courses;

23. Source of water supply for domestic purposes and fire protection for the proposed subdivision;

24. Proposed improvements to show the proposed outline and dimension of each system and easement, to include, but not be limited to, storm drains, sanitary sewers, gas and water lines and other public utilities;

25. Proposed method of sewage disposal and drainage within the proposed subdivisions;

26. Location of all existing structures and all trees with a trunk diameter of four inches or greater measured three feet above the existing grade;

27. Sufficient blank spaces for all certificates, signatures and notes;

28. Ties to the property in relation to the adjacent land and adjacent public streets or street intersections;

29. A vicinity map;

30. A title report prepared within six months prior to the filing of the application;

31. Such other information as may be required by the planning director. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.2(b))

12.36.040 Grading.

The subdivider shall file an application for a grading permit pursuant to Chapter 12.08 of this code with the tentative tract map where grading is necessary in connection with the development of the subdivision to the extent that a grading permit is required. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.2(c))

12.36.050 Geologic report.

Where the Alquist-Priolo Special Studies Zone Act (Public Resources Code, Section 2621 et seq.) requires that as a condition of approval of a project at the location of the proposed subdivision a geologic report defining and delineating any hazard of surface fault rupture, such report shall be filed prior to consideration of the tentative tract map. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.2(d))

12.36.060 Soil report.

A. A preliminary soil report, prepared by an engineer registered in California and based upon adequate test borings in pits shall be submitted at the time of the filing of the tentative tract map.

B. Such report may be waived by the planning director if he or she finds that there is sufficient information in the possession of the city as to the qualities of the soil in the subdivision so that no preliminary analysis is necessary.

C. If the city has information of, or if the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the planning director may require a soil investigation of each lot in the subdivision. Such soil investigation shall be done by a civil or soil engineer registered in California, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soil problems exist.

D. The planning commission may approve the tentative tract map where such soil problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed. A condition of approval of

any building permit may require that the approved recommended action be incorporated in the construction of each structure. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.2(e))

12.36.070 Drainage study.

A drainage study prepared by a civil engineer registered in California shall be submitted at the time of the filing of the tentative tract map. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.2(f))

12.36.080 Accompanying statements and materials.

The following statements and materials shall accompany each copy of the tentative tract map:

A. Profiles drawn to scale to show clearly all details thereof showing centerline, existing ground and finished grade elevations of all streets. All elevations shall be indicated to the nearest one foot and shall be referred to mean sea level datum, as established by the United States Coast and Geodetic Survey or to elevations or bench marks as established by the city engineer. The planning director may waive this requirement if, in his or her judgment, the condition of the topography makes it unnecessary.

B. Typical cross sections of all streets, and when required, details of beams, curbs, gutters, walks and other improvements, drawn to scale to show clearly all details thereof;

C. A statement as to proposed uses of the land with a percentage amount of the uses in proportion to the total area;

D. A plan for street trees and other landscaping;

E. A statement of the improvements proposed to be made or installed by the developer, and the time at which such improvements are proposed to be made or completed;

F. A statement of the improvements proposed to be made or previously installed by the private utility company or public agency and the time within which such improvements are proposed to be made or completed, and statements from such private utilities or public agencies as to the adequacy of the right-of-way or easements proposed;

G. Proposed covenants, restrictions and conditions;

H. A statement as to the relation to known and inferred fault lines and to the relation to the Special Studies Zone as outlined in the Alquist-Priolo Act;

I. Such other information as may be required by the planning director and the city engineer. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.2(g))

12.36.090 Relationship to future development.

When a subdivider proposes to subdivide a portion of a larger parcel, he or she shall demonstrate in a master plan drawing how the proposed subdivision shall relate to the future development of the remainder of the parcel. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.3)

12.36.100 Initial review.

A. The subdivider shall submit three copies of the tentative tract map to the planning director for an initial review. The director shall review the tentative tract map for adequacy and completeness of the information required and shall inform the subdivider in writing within thirty days of the submittal as to whether the map and information are adequate and complete.

B. If the director determines that the information is not adequate or complete, the subdivider may resubmit the information required in order to complete processing.

C. If the information is found by the director to be adequate and complete, the subdivider may submit to the director copies of the tentative tract map in accordance with Section 12.36.110. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.4)

12.36.110 Filing.

The subdivider shall submit twenty copies of the tentative tract map and a sepia and all other information, with the prescribed filing fee, to the

planning director. Upon such submittal and the payment of the prescribed fee, the application shall be deemed to be filed. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.5)

12.36.120 Distribution and review.

When the tentative tract map is filed, the planning director shall transmit copies thereof to the city engineer, fire chief, chief of police, director of parks and recreation, persons in charge of cable television, sewer, and water operations, and representatives of Pacific Telephone and Telegraph Company, Pacific Gas and Electric Company, school districts having jurisdiction within the city, adjacent cities, the Department of Transportation of the state, San Mateo County Health Department, and such other public agencies as the planning director deems advisable. Upon such transmittal, the planning director shall advise each recipient that comments regarding the tentative tract map must be submitted to him or her within thirty days of the date of transmittal. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.6)

12.36.130 Reports of consultants.

The planning director may engage the services of certain consultants to include, but not be limited to the following: Engineering Geologist, Soil Engineer, Landscape Architect and Seismologist. He or she may request the consultants to review the plans for the subdivision and to submit a written report. The subdivider shall be responsible for reimbursement of the city for any cost it incurs for use of any consultants. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.7)

12.36.140 Notice to school district.

A. Within ten days of the filing of the tentative tract map the planning director shall send a notice of the filing of the map to the governing board of any school district within the boundaries of which the subdivision is proposed to be located.

B. Such notice shall contain information about the location of the proposed subdivision, the number of units, density and other information which would be relevant to the district.

C. If the governing board of the district fails to respond within twenty working days of the date on which the notice was mailed to the school district for comment, such failure to respond shall be deemed approval of the proposed subdivision. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.8)

12.36.150 Review by planning director.

When the review of the tentative tract map shall have been completed the planning director shall prepare a report on the following:

A. The conformance of the proposed subdivision with the general plan of the city and any relevant specific plans which may have been adopted;

B. The conformance of the proposed subdivision to existing zoning for the area;

C. The design of lots, circulation facilities and other features with relation to the following:

1. Adopted city policies;
2. The character of the land and the general environment of the proposed subdivision;
3. Design standards of this article;
4. Numbering of lots and blocks;
5. Distances of existing buildings in relation to each other and lot lines;
6. Need for conservation easements;
7. Visual aesthetics of the subdivision and aesthetic relationships between the subdivision and surrounding area;
8. Adequacy of building sites and designation of those sites which will require special review when building permits are applied for;
9. Appropriateness of lot lines and street layout;
10. Driveway layouts;
11. Grading and drainage designs. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.9)

12.36.160 Review by city engineer.

A. When the review of the tentative tract map shall have been completed the city engineer shall submit a report on the following:

1. The improvements required under the provisions of this article;

2. Adequacy of easements required for public improvements, utilities and drainage;

3. Effect of the proposed subdivision and any proposed grading in connection therewith on development in the general area, adequacy of proposed methods of handling drainage and storm water runoff proposed by the subdivider, necessary erosion control measures during and after grading;

4. Effects of the proposed subdivision on other public improvements under the jurisdiction of the city engineer:

5. Required improvement security for grading, maintenance or both;

6. Adequacy of water supply for domestic purposes and fire protection for the proposed subdivision;

7. Adequacy of the sewage disposal system proposed.

B. The report shall be mailed to the subdivider and to each tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project not less than three days prior to the hearing on the application, except if and to the extent that the notice is waived. Fees may be collected from the subdivider for expenses incurred under this subsection. (Ord. 1418 § 11, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-5.10)

12.36.170 Standard conditions of approval.

The following conditions are standard conditions of approval of all tentative tract maps. Unless specifically modified or waived pursuant to this chapter, such conditions shall apply to the approval of each tentative tract map. The planning commission, in approving any such map, shall require that such approval be subject to all standard conditions of approval as set forth in this section, except as specifically waived or modified. Such conditions shall be applicable to all tentative tract maps deemed approved by operation of law for failure to take formal action within the period required by law. The conditions are:

A. The city reserves the right to require the subdivider to provide easements for public utilities as needed.

B. Prior to recordation of the final tract map, an improvement plan for public improvements shall be submitted by the subdivider to the city for review and comment.

C. Prior to recordation of the final tract map, the subdivider shall submit to the city for review and comment a schedule of development plan.

D. Prior to the recordation of the final tract map, the subdivider shall enter into a master subdivision agreement with the city.

E. Prior to the recordation of the final tract map a final electrical plan for the installation of street lights shall be submitted by the subdivider for review and comment.

F. Prior to the recordation of the final tract map, the subdivider shall submit to the city for review and comment a landscape planting plan.

G. Prior to the recordation of the final tract map, the subdivider shall submit to the city an appraisal report which indicates the value of the improved land as a result of the subdivision to determine in-lieu fees.

H. Prior to the recordation of the final tract map the subdivider shall submit to the city a recreation fee based upon the formula set forth in Section 12.44.140.

I. Prior to the issuance of a city building permit, a maintenance of landscaping agreement shall be signed by the subdivider for the maintenance of the proposed street trees, which agreement shall run with the land and be binding upon successors in interest of the subdivider.

J. The city reserves the right to require full replacement of existing curb, gutter and sidewalk improvements along the frontage of the subdivision. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.11)

12.36.180 Public hearing.

A. The planning director shall schedule a public hearing at which the tentative tract map shall be considered by the planning commission.

B. Not less than ten days before the public hearing the planning director shall give notice of the time and place thereof and a general description of the location of the subdivision or proposed subdivision by at least one publication in a newspaper of general circulation printed and published in the county and circulated in the city.

C. Not less than ten days prior to such public hearing there shall be mailed, postage prepaid, a notice of the time and place of such hearing and a general description of the location of the subdivision or proposed subdivision to all persons whose names and addresses appear on the last equalized assessment roll as owning real property within three hundred feet from the exterior boundaries of the proposed subdivision. In the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, such notice shall also be given to each tenant of the subject property, and, in addition to notice of the time and place of the public hearing, shall include notification of the tenant's right to appear and the right to be heard. Fees may be collected from the subdivider for expenses incurred under this section.

D. The planning commission shall conduct a public hearing on the application for the tentative tract map.

E. Failure to receive the notice required by this section shall not invalidate any action taken pursuant to this article. (Ord. 1418 § 12, 1983: prior code § 21-5.12)

12.36.190 Passive or natural heating and cooling.

A. The design of a subdivision for which a tentative tract map is required shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

B. Examples of passive or natural heating and cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure and to take advantage of shade or prevailing breezes.

C. In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be subdivided, and to other design and improvement requirements. Such provision shall not be imposed so as to result in reducing allowable densities or the percentage of a lot which may be occupied by a building or structure under the zoning ordinance as applicable at the time of filing of the tentative tract map.

D. The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added.

E. For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.12.5)

12.36.200 Environmental review.

The planning commission shall not approve a tentative tract map unless, with regard to the project for which tentative tract map approval is sought, it shall have determined pursuant to the California Environmental Quality Act (CEQA), or regulations promulgated thereunder:

A. That the project is exempt from CEQA;

B. That a negative declaration for the project shall have been certified;

C. That a final environmental impact report (EIR) for the project shall have been reviewed, considered and certified. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.13(a))

12.36.210 Time limit.

A. Not later than fifty days after the filing of the tentative tract map, the planning commission shall approve, conditionally approve, or disapprove

it and shall report its action to the subdivider, unless the subdivider shall have authorized an extension for such action in writing. The planning commission shall comply with the time periods referred to in Section 21151.1 of the Public Resources Code, within the time limits set forth in this section. However, if an environmental impact report is prepared for the tentative tract map, the fifty day period specified in this section shall not apply, and the planning commission shall render its decision required by this section within forty-five days after certification of the environmental impact report.

B. No routine waiver of the time limits shall be required as a condition of accepting the application for the tentative tract map unless the routine waiver is obtained for the purpose of permitting concurrent processing of related approvals or an environmental review on the same development project.

C. At the time that the subdivider makes an application for approval of a tentative tract map, the planning director shall determine whether or not the city is able to meet the time limits specified by law for reporting and acting on maps. If the planning director determines that the city will be unable to meet such time limits, the city shall, upon request of the subdivider and for the purpose of meeting such time limits, contract or employ a private entity or persons on a temporary basis to perform such services as necessary to permit the city to meet such time limits. However, the city need not enter into such a contract or employ such persons if the planning director finds that (1) no such entities or persons are available or qualified to perform such services or (2) the city would be able to perform services in a more rapid fashion than would any available and qualified persons or entities.

D. Such entities or persons may, pursuant to an agreement with the city, perform all functions necessary to process the tentative tract map and final tract map and to comply with other requirements imposed pursuant to the Subdivision Map Act and this chapter, except those functions reserved to the city council. The city may charge subdividers fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section.

E. If no action is taken upon the tentative tract map by the planning director within said fifty day time period, or any authorized extension thereof, the tentative tract map as filed shall be deemed to be approved insofar as it complies with other applicable requirements of the Subdivision Map Act, this article, and this code. (Ord. 1418 § 13, 1983: prior code § 21-5.13(b))

12.36.220 Findings for approval.

After the conclusion of the public hearing the planning commission shall approve the tentative tract map if it makes all of the following findings:

A. The proposed tract map, together with the provisions for its design and improvement, is consistent with the general plan and any specific plan as specified in Section 65451 of the Government Code. This subsection shall not be applicable to condominium projects or stock cooperatives which consist only of the subdivision of airspace in an existing structure unless such general plan contains definite objectives and policies, specifically directed to the conversion of existing buildings into condominium projects or stock cooperatives.

B. The real property to be subdivided, and each lot or parcel to be created is of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, geologic hazard or other menace;

C. Each lot or parcel to be created will constitute a buildable site and will be capable of being developed in accordance with the applicable provisions of the zoning ordinance;

D. The site is physically suitable for the type and proposed density of development;

E. The design of the subdivision and improvements, and the type of improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wild-

life or their habitat or to cause serious public health problems:

F. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision. The planning commission may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall only be applicable to easements of record or easements established by judgment in a court of competent jurisdiction. (Ord. 1418 § 14, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-5.13(c))

12.36.230 Disapproval when.

The planning commission shall deny approval of a tentative tract map if it makes any of the following findings:

A. That the proposed map is not consistent with the general plan or any applicable specific plan as specified in Section 65451 of the Government Code. This subsection shall not apply to condominium projects or stock cooperatives which consist only of the subdivision of airspaces in an existing structure unless such general plan contains definite objectives and policies, specifically directed to the conversion of existing buildings into condominium projects or stock cooperatives.

B. That the design or improvement of the proposed subdivision is not consistent with the general plan or any applicable specific plan;

C. That the site is not physically suitable for the type of development;

D. That the site is not physically suitable for the proposed density of development;

E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

F. That the design of the subdivision or the types of improvements is likely to cause serious public health problems;

G. That the design of the subdivision or the type of improvements will conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision, and that no alternative easement for access or for use will be provided which will be substantially equivalent to ones previously acquired by the public. (Ord. 1418 § 15, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-5.13(d))

12.36.240 Technical map deficiencies.

Where a map fails to meet or perform any requirement imposed by the Subdivision Map Act or by this chapter, the planning commission may nevertheless approve the map if it finds that the failure of the map is the result of a technical or inadvertent error which, in its judgment, does not materially affect the validity of the map. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.13(e))

12.36.245 Tract maps considered pending legislative amendments.

A. In determining whether to approve or disapprove an application for a tentative tract map, the planning commission shall apply only the ordinances, policies, and standards in effect at the date the city has determined that the application is complete pursuant to Section 65943 of the Government Code.

B. However, if the city has formally initiated proceedings by way of ordinance or resolution, in accord with the procedures used by the city for publication of ordinances, to amend applicable general or specific plans, or zoning or subdivision ordinances before it has received the completed application, the planning commission may apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the planning commission approves or disapproves the tentative tract map.

C. If the subdivision applicant requests changes in applicable ordinances, policies, or standards in connection with the same development project, any ordinances, policies, or standards

adopted pursuant to the applicant's request shall apply.

D. This section shall not apply to tentative tract maps which were approved, conditionally approved, or disapproved prior to July 1, 1983.

E. This section shall be inoperative after January 1, 1989. (Ord. 1418 § 16, 1983: prior code § 21-5.13(f))

12.36.250 Notification of commission action by planning director.

Notice of approval, denial or conditional approval shall be mailed to the subdivider by the planning director within ten days of the action on the tract map. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.14)

12.36.260 Withdrawal of map.

A subdivider may withdraw the tentative tract map application by transmitting written notice of withdrawal to the planning director. No refund in filing fee for any such withdrawal shall be made. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.15)

12.36.270 Time extensions.

A. An approved or conditionally approved tentative tract map shall expire twenty-four months after its approval or conditional approval.

B. The expiration of the approved or conditionally approved tentative tract map shall terminate all proceedings and no final tract map or all or any portion of the real property included within the tentative tract map shall be filed without first processing a new tentative tract map. Once a timely filing is made, subsequent actions of the city, including, but not limited to, processing, approving and recording, may lawfully occur after the date of expiration of the tentative tract map.

C. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative tract map, the time at which the map expires may be extended by the planning commission for a period or periods not exceeding a total of three years. If the planning commission denies a subdivider's application for extension, the subdivider may appeal to the city council pursuant to Chapter 12.64.

D. The period of time specified in subsection A shall not include periods of time described in subsections (a) and (c) of Section 66452.6 of the Government Code. (Ord. 1418 § 17, 1983: prior code § 21-5.16)

12.36.280 Amendment.

An approved tentative tract map may be amended by filing an application in map form and in writing with the planning director. Such application shall be processed in the same manner as an original application for a tentative tract map. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.17)

12.36.290 Final tract map—Processing procedure.

The procedure for processing a final tract map shall be as set forth in Chapter 12.40. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.18)

12.36.300 Final tract map—Correction and amendment.

A. After a final tract map is filed in the office of county recorder, it may be amended by a certificate of correction or an amending map:

1. To correct an error in any course or distance shown thereon; or

2. To show any course or distance that was omitted therefrom; or

3. To correct an error in the description of the real property shown on the map; or

4. To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments; or

5. To show the proper location or character of any monument which has been changed in location or character which originally was shown at the wrong location or incorrectly as to its character; or

6. To correct any other type of map error or omission as approved by the director of public works which does not affect any property right. Such errors and omissions may include, but are not

limited to lot numbers, acreage, street names and identification of adjacent record maps.

As used in this section, "error" does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final tract map.

B. The amending map or certificate of correction shall be prepared and signed by a civil engineer or land surveyor. An amending map shall conform to the requirements of Section 66434 of the Government Code. The amending map or certificate shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction or omission. The map shall be filed with the planning director.

C. The amending map or certificate of correction certified by the city engineer and the planning director shall be filed with the county recorder. (Ord. 1352 § 1 (part), 1980: prior code § 21-5.19)

Chapter 12.38

VESTING TENTATIVE MAP

Sections:

12.38.010 When vesting tentative map may be filed—Processing.

A. A subdivider may file a vesting tentative parcel map for any subdivision for which a parcel map is required, or a vesting tentative tract map for any subdivision for which a tentative tract map is required.

B. A vesting tentative map shall be filed and processed in the same manner as a tentative parcel map or tentative tract map, as the case may be, except as otherwise provided in this chapter. (Ord. 1461 § 5 (part), 1986)

12.38.020 Labeling of vesting tentative map.

At the time a vesting tentative map is filed it shall have conspicuously printed on its face the words "Vesting Tentative Map." (Ord. 1461 § 5 (part), 1986)

12.38.030 Effect of approval of vesting tentative map.

A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the date that the application is complete, except as provided in this section.

B. If the city has formally initiated proceedings by ordinance or resolution, in accord with the procedure used by it for publication of ordinances, to amend applicable general or specific plans, or zoning or subdivision ordinances before it has received the complete application, the city shall apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the city approves or disapproves the tentative map.

C. If the applicant requires changes in applicable ordinances, policies, or standards in connection with the same development project, any ordinances, policies, or standards adopted pursuant to the applicant's request shall apply.

D. If Section 66474.2 of the Government Code is repealed, such approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved. (Ord. 1461 § 5 (part), 1986)

12.38.040 Denials of permits, approvals, etc.

Notwithstanding Section 12.38.030, the city council, board, commission, committee, or officer of the city having jurisdiction over a permit, approval, extension, or entitlement may condition or deny such permit, approval, extension, or entitlement if it determines any one of the following:

A. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to the health or safety, or both.

B. The condition or denial is required, in order to comply with state or federal law. (Ord. 1461 § 5 (part), 1986)

12.38.050 Expiration of rights conferred by vesting tentative map.

The rights conferred by Section 12.38.030 shall expire if a final map is not approved prior to expiration of the vesting tentative map. If the final map is approved, the rights conferred by Section 12.38.030 shall be subject to the periods of time set forth in Section 12.38.080. (Ord. 1461 § 5 (part), 1986)

12.38.060 Amendment to vesting tentative map.

Any time prior to the expiration of the vesting tentative map, the subdivider, or his or her assignee, may apply for an amendment to the vesting tentative map. (Ord. 1461 § 5 (part), 1986)

12.38.070 Subdivisions whose intended development is inconsistent with the zoning ordinance.

A. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. Such a vesting tentative map may be denied, or be approved conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning to eliminate the inconsistency.

B. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 12.38.030, confer a vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved. (Ord. 1461 § 5 (part), 1986)

12.38.090 Period of validity: rights conferred by vesting tentative map.

A. The rights conferred by a vesting tentative parcel map shall last for two years beyond the recording of the final map.

B. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, the initial time period shall begin for each phase when the final map for that phase is recorded.

C. The initial time period shall be automatically extended by any time used by the city for processing a complete application for a grading permit or for any architectural review permit, if the time used by the city to process the application exceeds thirty days from the date that a complete application is filed. Any time prior to the initial time period provided by this section, the subdivider may apply for a one-year extension.

D. If the subdivider submits a complete application for a building permit during the time specified in this section, the rights conferred by Section 12.38.030 shall continue until the expiration of the permit, or any extension of that permit granted by the city. (Ord. 1461 § 5 (part), 1986)

12.38.100 Application limited to residential developments.

This chapter applies only to residential developments. (Ord. 1461 § 5 (part), 1986)

Chapter 12.40

FINAL MAPS

Sections:

12.40.010 Applicability.

The procedures set forth in this chapter shall govern with regard to final parcel maps and final tract maps. (Ord. 1352 § 1 (part), 1980: prior code § 21-6.1)

12.40.020 Form.

A. Reproduction Process. The final map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth, and a reproducible photo mylar set to assure permanent legibility, including certificates with original signature on both the cloth and mylar sets. The map shall be so made and in such condition when filed that clear, legible prints and negatives can be made therefrom. After the final map is recorded one set of reproducible photo mylars shall be submitted to the city. The final map shall comply with all provisions of the Subdivision Map Act.

B. Size. The size of each sheet shall be eighteen inches by twenty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.

C. Scale. The map shall be drawn according to an engineer's scale, and the scale of the map shall be a minimum of one inch equals one hundred feet, unless the city engineer and the planning director permit some other scale.

D. Street Numbering. If more that one sheet is used to show the area being subdivided, then the particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. When the final map consists of more than two sheets, a key map showing the relation of the sheets shall be included on sheet numbered one.

E. Subdivision Identification. The subdivisions name and number, scale and north point shall be shown on each sheet.

F. Title Sheet Information. The title sheet shall be page number one and shall contain the following information:

1. Title, comprising the subdivision name and number, followed by the words: "City of San Bruno, San Mateo County, California;"

2. Below the title shall be a subtitle consisting of a general description of all the real property being subdivided by reference to recorded deeds or maps which have been previously recorded, or by reference to the plat of a United States survey;

3. References to tracts and subdivisions in the description, worded identically with original records, and with complete references to the book and page of record;

4. Affidavits, certificates, acknowledgments, endorsements, references to special reports, acceptances, dedications and notary seals required by law;

5. The basis of bearings used in the survey.

Where the size of a subdivision permits, in lieu of a title sheet, the information prescribed above may be shown on the same sheet as the final map.

G. Other Information. The final map shall also show clearly and legibly the following additional information:

1. Boundary. The boundary of the subdivision designated by a one-eighth inch colored bor-

der applied on the reverse side of the tracing and inside the boundary line. Such border shall be of such density to be transferred to a blue line print, but shall not interfere with the legibility of any data;

2. Survey Data.

a. Stakes, monuments, or other evidences found on the ground to determine the boundaries of the subdivision;

b. Corners of all adjoining property identified by lot and block number, tract name, place of record, or by section, township and range, or other proper designation;

c. All information, data and monuments necessary to locate and retrace any and all exterior boundary lines, lot, parcel or block lines;

d. Bearings and distances of straight lines;

e. Radii, central angles, arc lengths and such additional information as may be necessary to determine the location of the center of curves and tangent points, plus bearings, tangent distances and radii, central angles and arc lengths of all lot lines;

f. The center lines of all streets, if any, in and adjoining the subdivision, indicating all the permanent monuments found or placed and making reference to a map or field book wherever the city engineer has established such center line. If any points were reset by ties, the sources and detail or relocation data shall be stated;

3. Lots. All lots intended for sale or reserved for private purposes, and all parcels offered for dedication for any purpose, with all dimensions, boundaries, and courses clearly shown and defined in every case, and the lot area to the nearest one hundredth of an acre. No ditto marks (") shall be used. Parcels offered for dedication but not accepted shall be designated by letter, and private streets not offered for dedication, or offered but not accepted for dedication shall have the words: "Not a Public Street." Each block in its entirety shall be shown on one sheet. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets complete with center line and property line data. Lots shall be numbered in consecutive sequence beginning with the number one, with no omissions or duplications throughout the subdivision. The numbers shall be solid and of sufficient size and thickness to stand out, shall be raised so as not to obliterate any figure and shall not be enclosed in any design;

4. Streets and Sidewalks. The location of streets and sidewalks, the names of streets, the total width of each street and sidewalk, and the width on each side of the centerline, the width of the portion of the street or sidewalk being dedicated, and the width of the existing dedication, if any, within the subdivision;

5. Other Rights-of-Way. The location and widths of any other rights-of-way within the subdivision;

6. Easements. The side lines of all easements, public and private, to which the lots are subject. Each easement must be clearly labeled and identified as to nature and purpose and, if already of record, its recorded reference given. If any easement is not definitely located and of record, a statement of such easement must appear on the title sheet. Easements shall be denoted by fine dotted lines. Distances and bearings on the side lines of lots which are cut by easements must be so shown that the map will indicate clearly the actual length of the lot lines. The width of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto to definitely locate the easement with respect to the subdivision shall be shown;

7. Utilities. The locations and width of utilities rights-of-way within the subdivision, indicating the name and type of utility;

8. Access. Any limitations on the right of access to and from streets, lots and other parcels of land. The location and widths of any non-access strips and reserve strips shall not be shown;

9. City Boundaries. All city boundaries crossing or adjoining the subdivision clearly designated and located. (Ord. 1418 § 18, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-6.2)

12.40.030 Multiple maps.

A. Multiple final maps relating to an approved or conditionally approved tentative map

may be filed prior to the expiration of the tentative map if the subdivider shall have informed the planning director at the time the tentative map was filed of his or her intention to file multiple final maps on such tentative map.

B. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed multiple final maps.

C. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. (Ord. 1352 § 1 (part), 1980: prior code § 21-6.3)

12.40.040 Certificates.

Subject to the requirements and limitations of the Subdivision Map Act, the following certificates shall appear on the final map:

A. Consent of Persons with Property Interests. A certificate, signed and acknowledged by all parties having any record title interest in the real property being subdivided, consenting to the preparation and recordation of the final map is required, except as follows:

1. Neither a lien for state, county, municipal, or local taxes, nor for special assessments, nor a trust interest under bond indentures, nor mechanics' liens constitute a record title interest for purposes of this article.

2. The signature of either the holder or beneficial interest under trust deeds of the trustee under such trust deeds, but not both, may be omitted. The signature of either shall constitute a full and complete subordination of the lien of the deed of trust to the map and any interest created by the map.

3. Signatures of parties owning the following types of interests may be omitted if their names and the nature of their respective interests are stated on the final map:

a. Rights-of-way, easements or other interest which cannot ripen into a fee, except those owned by a public utility, or subsidiary of a public utility for conveyance to such public utility for rights-of-way. If, however, the advisory agency determines that division and development of the property entity or public utility right-of-way or easement, the signature of such public entity or public utility may be omitted. Where such determination is made, the subdivider shall send, by certified mail, a sketch of the proposed final map, together with a copy of this section and Section 66436 of the Government Code, to any public entity or public utility which has previously acquired a right-of-way or easement.

If the public entity or utility objects to either (i) recording the final map without its signature; or (ii) the determination of the advisory agency that the division and development of the property will not unreasonably interfere with the full and complete exercise of its right-of-way or easement, it shall so notify the subdivider and the advisory agency within thirty days after receipt of the materials from the subdivider.

If the public entity or utility objects to recording the final map without its signature, the public entity or utility so objecting may affix its signature to the final map within thirty days of filing its objection with the advisory agency.

If the public entity or utility either (i) does not file an objection with the advisory agency; or (ii) fails to affix its signature within thirty days of filing its objection, to recording the map without its signature, the city may record the final map without such signature.

If the public entity or utility files an objection to the determination of the advisory agency that the division and development of the property will not unreasonably interfere with the exercise of its right-of-way or easement, the advisory agency shall set the matter for public hearing to be held not less than ten nor more than thirty days of receipt of the objection. At such hearing the public entity or public utility shall present evidence in support of its position that the division and development of the property will unreasonably interfere with the free and complete exercise of the objector's right-of-way or easement.

If the advisory agency finds, following such hearing, that the development and division will in fact unreasonably interfere with the free and com-

plete exercise of the objector's right-of-way or easement, it shall set forth those conditions whereby such unreasonable interference will be eliminated and upon compliance with such conditions by the subdivider, the final map may be recorded with or without the signature of an objector. If the advisory agency finds that the development and division will in fact not unreasonably interfere with the free and complete exercise of the objector's right-of-way or easement, the final map may be recorded without the signature of the objector, notwithstanding its objections thereto.

Failure of the public entity or utility to file an objection pursuant to this subsection shall in no way affect its rights under a right-of-way or easement.

As used herein, "advisory agency" shall mean the planning director, in the review of a parcel map, and the planning commission, in the review of a tract map.

b. Rights-of-way, easements or reversion, which by reason of changed conditions, long disuse or laches appear to be no longer of practice use or value and signatures are impossible or impractical to obtain. A statement of the circumstances preventing the procurement of the signatures shall also be stated on the map.

c. Interests in or rights to minerals, including but not limited to oil, gas or other hydrocarbon substances.

4. Real property originally patented by the United States or by the state of California, which original patent reserved interest to either or both such entities, may be included in the final map without the consent of the Unites States or the state of California thereto, or to dedications made thereon.

B. Dedication Certificate. A certificate signed and acknowledged as above, offering for dedication for public use any streets required to serve the subdivision and any other parcels of land or easements which the subdivider desires or is required to dedicate, subject to such reservations as may be contained in any such offer. An offer of dedication for street or highway purposes may include a waiver of direct access to any such street or highway from any property shown on the final map as abutting thereon.

C. Engineer's Certificate. A certificate by the civil engineer or land surveyor responsible for the survey and final map, giving the date of the survey and stating that the survey is true and complete, as shown. The certificate shall also state that the monuments are of the character noted and occupy the positions indicated, or that they will be set in such positions at such time as agreed upon, and that the monuments are or will be sufficient to enable the survey to be retraced. The signature of the civil engineer or land surveyor, unless accompanied by his or her seal, must be attested.

D. Certificate of City Engineer. A certificate for the execution of the city engineer stating that:

1. He or she has examined the map;

2. The subdivision as shown is substantially the same as it appeared on the approved tentative tract map or tentative parcel map, and any approved alteration thereof;

3. That all provisions of the Subdivision Map Act and of this chapter applicable at the time of approval of the tentative map have been complied with;

4. He or she is satisfied that the map is technically correct.

E. City Clerk's Certificate. In the case of a final tract map, a certificate for execution by the city clerk, stating that the city council has found the final tract map to conform substantially with the approved tentative tract map, has approved the final tract map, and accepted or rejected on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.

F. County Recorder's Certificate. A certificate for execution by the county recorder stating the map has been recorded in the Official Records of San Mateo County. (Ord. 1418 § 19, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-6.4)

12.40.050 Dedications required.

Any parcels or easements on land shown on any final map and intended for general public use shall be offered for dedication for public use prior to the approval of the final map. Such dedication shall be made on the map or by separate instrument, which instrument shall be recorded. Parcels or easements not to be offered for sale or reserved, or both, for the exclusive use of lot owners in the subdivision, their licensees, visitors, tenants and servants, or intended for other specific uses, shall be so designated. (Ord. 1352 § 1 (part), 1980: prior code § 21-6.5)

12.40.060 Survey requirements.

A. General. A complete and accurate survey of the land to be subdivided shall be made by a civil engineer or land surveyor in accordance with the standard practices and principles of land surveying.

B. Limits of Error. The traverse of the exterior boundaries of the subdivision, and of each block when computed from field measurements of the ground, must close within a limit or error of one foot to ten thousand feet of perimeter before balancing survey.

C. Coordinate System. Wherever the city engineer has established a system of coordinates, the survey shall be tied into such system.

D. Streets and Easements. All monuments, property lines, centerlines of streets and easements adjoining or within the subdivision shall be tied into the survey.

E. Monuments.

1. Placement. In making the survey of the subdivision, the surveyor shall set sufficient permanent monuments so that the survey, or any part thereof, may be readily retraced. Such monuments shall be set along the exterior boundaries of the subdivision at intervals not exceeding five hundred feet and shall be placed at the angle points on the exterior boundary lines of the subdivision, at the intersections of centerlines of streets, and at the beginnings and ends of curves on the centerlines of streets and at such other points as may be required by the director of public works. Monuments may be placed on offset lines. Due consideration shall be given to visibility of monuments from each other. The monuments in the street areas shall be set so that tops are at least seven and one-half inches below the top of finished pavement grade and enclosed in cast iron receptacles, with cast iron covers of a type acceptable to the city engineer. The receptacles shall be set flush with the top of the finished pavement grade and supported independently of the monument. Monuments at other locations shall not be placed until all grading is complete and then shall not be set less than eight inches below finished grade unless otherwise directed by the city engineer.

2. Timing of Placement. Monuments and benchmarks may be set after approval of the final map, but not later than the time of completion of subdivision improvements, if any. If the monuments are set after approval of the final map, a cash deposit or approved bond in an amount established by the city engineer shall be posted with the city clerk, guaranteeing such work. All monuments and their location shall be subject to inspection and approval by the city engineer.

3. Size and Materials. Monuments shall be either galvanized iron pipe, not less than two inches in diameter and thirty-six inches long; or reinforced concrete posts six inches by six inches in cross-section or six inches in diameter and thirty inches long, or an equally durable alternative when approved by the city engineer. All monuments shall have a copper plate or disc securely attached to the top of the monument with a copper dowel or copper nail set in concrete or approved alternate device permanently marking the exact center. The registration or license number of the engineer or surveyor shall be stamped on the copper plate or disc.

4. Setting of Benchmarks. Permanent elevation benchmarks, of a type approved by the city engineer referring to the city datum or to mean sea level datum as established by the United States Coast and Geodetic Survey shall be set in the amount and locations satisfactory to the city engineer.

5. Replacement of Monuments and Benchmarks. Any monument or benchmark, required by this chapter, which is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.

F. Lot Corner and Angle Point Markers. Lot corner and angle point markers shall be galvanized pipe or pin, not less than one inch in diameter and twenty-four inches long. They shall be driven flush with the surface of the ground at each lot corner, angle point and curve point where no monument is set. The registration or license number of the civil engineer or surveyor shall be stamped in an approved metal tag which shall be affixed to such markers. Any lot corner or angle point marker disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider. (Ord. 1352 § 1 (part), 1980: prior code § 21-6.6)

12.40.070 Filing.

Upon the filing of the final map, the subdivider shall pay the required fee and post the required deposit with the city and shall submit to the city engineer the following information and materials:

A. Three complete sets of blue line or black and white prints of the final map of the subdivision for checking purposes;

B. A traverse sheet in a form approved by the director of public works giving latitudes, departures and coordinates, and showing the mathematical closure and area calculations;

C. Complete field notes, in a form satisfactory to the director of public works, showing references, ties, locations, elevations and other necessary data relating to monuments and benchmarks set in accordance with the requirements of this chapter shall be submitted to the city engineer and retained by the city as a permanent record;

D. A statement that all improvements have been completed in accordance with the plans and specifications as approved by the city engineer, or that the subdivider intends to install such improvements and will enter into agreements and post improvement security as required by this article;

E. If the plans, profiles, cross-sections, and specifications, estimates and design calculations, such as storm drain runoff, have not been previously submitted and approved by the city engineer, the subdivider shall submit three complete sets thereof, including one copy of the specifications, estimates and design calculations;

F. Three copies of conditions, covenants and restrictions, if any;

G. Letters from all public utilities indicating the adequacy and location of the public utility easements. (Ord. 1352 § 1 (part), 1980: prior code § 21-6.7)

12.40.080 Review by city engineer.

A. The city engineer shall review the final map for the following:

1. Sufficiency of affidavits and acknowledgments;

2. Correctness of survey data, mathematical data and computations;

3. Compliance with the provisions of the Subdivision Map Act and this article;

4. Sufficiency and adequacy of public utility easements as evidenced by certification of such easements by the affected private utilities or public agencies.

B. One copy of the final map shall be returned to the subdivider with notations as to errors or omissions or a statement by the city engineer that the final map is correct. The subdivider shall thereafter submit to the city engineer for transmittal to the city council and city clerk the original tracings and a complete set of blue line prints on cloth with legible original signatures on both the tracings and the prints. If the final map is found to be correct, the data shown thereon and submitted therewith are sufficient, and all applicable provisions of the Subdivision Map Act and this article have been complied with, the city engineer shall, within twenty days from the time the corrected final map was submitted to him or her by the subdivider, certify his or her approval on the original tracing and blue line cloth print of the map. (Ord. 1352 § 1 (part), 1980: prior code § 21-6.8)

12.40.090 City council review.

A. After the final tract map has been checked and approved as provided in Section 12.40.080, and when all certificates, except for the approval certificate of the city clerk appearing on the final tract map have been signed and, where necessary, acknowledged, the city engineer shall transmit the final tract map to the city clerk for action by the city council.

B. The city council shall at the meeting at which it receives the map, or at its next regular meeting, approve the final tract map if the map meets the requirements and conditions which were applicable to the subdivision at the time of approval of the tentative map imposed by the Subdivision Map Act and by this article. The date the final map is deemed filed with the city council is the date of the meeting of the city council at which it receives the map. The foregoing time limit may be extended by mutual consent of the city council and the subdivider.

C. The city council shall not approve the final map unless it finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan of the city or any applicable specific plan. The city council shall deny approval of the final tract map if it makes any of the findings set forth in Section 12.36.230. Any such disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed.

D. The city council shall not approve a final map for a subdivision to be created from the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project, unless it finds all of the following:

1. Each of the tenants of the proposed condominium, community apartment project or stock cooperative project has received, pursuant to Section 66452.9 of the Government Code, written notification of intent to convert at least sixty days prior to the filing of a tentative map.

2. Each such tenant, and each person applying for the rental of a unit in such residential real property has, or will have, received all applicable notices and rights now or hereafter required by the Subdivision Map Act, Chapters 2 and 3.

3. Each tenant has received ten days' written notification that an application for a public report will be, or has been submitted to the Department of Real Estate of the State of California, and that such report will be available upon request.

4. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been, or will be, given one hundred eighty days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion.

5. Each of the tenants of the proposed condominium, community apartment project, or stock cooperative project has been, or will be, given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or on terms more favorable to the tenant. The right shall run for a period of not less than ninety days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

The provisions of subparagraphs 1, 2, and 3 as to required written notice to tenants shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

E. Concurrently with the approval of the final tract map the city council shall accept or reject such offers of dedication as it deems advisable. As a condition precedent to the acceptance of any roads or streets, pedestrian ways, drainage channels, easements, and other rights-of-way, the city council shall require the subdivider, at his or her option, to either improve, or in writing agree to improve the streets, pedestrian ways, drainage channels, easements, and other rights-of-way in the subdivision. (Ord. 1418 § 20, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-6.9(a))

12.40.100 Documents transmitted to city clerk.

The documents listed in this section shall be transmitted to the city clerk at the time the final tract map is transmitted for action by the city council.

A. Certificate Regarding Tax Lien. Prior to the filing of the final tract map with the city council, the subdivider shall file the certificates and documents set forth in Sections 66492 through 66494, inclusive, of the Government Code, or any amendments thereto, relating to taxes, assessments and liens.

B. Improvement Agreement. In the event that the improvements required under this article have not been installed to the satisfaction of the city engineer at the time of the filing of the final map, the subdivider shall execute and file with the city clerk an agreement between himself or herself and the city providing that within a specific period to be determined by the city engineer he or she shall construct to completion all improvements and work in accordance with plans on file with and to the satisfaction of the city engineer. Such agreement shall require the subdivider to be responsible for control of erosion on the site of the subdivision and to prevent its entry into the storm drainage system. The subdivider shall submit to the city engineer a plan for such erosion control prior to the consideration of the final map. The improvement agreement shall also prescribe that the subdivider shall repair any damage to a public road, street and any other public or private property or improvement which results from or is incidental to the construction of improvements in the subdivision, or that, in lieu of making such repairs, the subdivider shall pay to the owner or to the city the full cost thereof. The subdivider shall file with the city clerk, at the same time, a performance bond or other improvement security as required pursuant to Chapter 12.48.

C. Title Guarantee. The subdivider shall furnish a guarantee of title or a letter from a competent title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being subdivided and all acknowledgments thereto appear on the proper certificates and are correctly shown on the map, both as to the consents to the making of such map and the affidavits of dedication, where necessary. Such guarantees shall be issued for the benefit of the city and shall continue to be in effect up to the time of recordation of the map.

D. Deeds. The subdivider shall furnish grant deeds for any land or easements required as part of the subdivision which are not shown on the final tract map. (Ord. 1352 § 1 (part), 1980: prior code § 21-6.9(b))

12.40.110 Transmittal to county officials.

A. Subsequent to the approval of the final tract map by the city council, the city clerk or a designated representative thereof shall transmit the final tract map to the clerk of the board of supervisors for ultimate transmittal to the county recorder.

B. The city clerk shall transmit final parcel maps approved by the city directly to the county recorder. (Ord. 1418 § 21, 1983: prior code § 21-6.10)

12.40.120 Recordation.

A. The city clerk shall present to the county recorder evidence that upon the date of recording as shown by public record the parties consenting to the recordation of the map are all the parties having record title interest in the subdivision whose signatures are required pursuant to the Subdivision Map Act and this article. There shall be filed with the county for recording, the original tracings and one complete set of blue line prints on cloth showing all certificates, affidavits and original signatures. All recording fees shall be paid by the subdivider.

B. After recording, two sets of blue line or black line prints on cloth and one set of reproducible tracing on mylar shall be procured for the city and shall be paid for by the subdivider. In addition, two copies of such recorded conditions, covenants and restrictions as the subdivider may have caused to have been recorded shall be included with the

sets of blue or black line prints. (Ord. 1352 § 1 (part), 1980: prior code § 21-6.11)

12.40.125 Final maps rejected by county recorder.

A. If the county recorder rejects a final tract map or final parcel map for filing, the city clerk, upon receipt of a mailed notice of such rejection, shall place the map on the agenda of the next regular meeting of the city council. The city council shall, within fifteen days thereafter, rescind its approval of the map and return the map to the subdivider unless the subdivider presents evidence that the basis for the rejection by the county recorder has been removed.

B. The subdivider may consent to a continuance of the matter; however, the prior approval of the city council shall be deemed rescinded during any period of continuance. (Ord. 1418 § 22, 1983: prior code § 21-6.10)

Chapter 12.44

IMPROVEMENT STANDARDS

Sections:

12.44.010 Submittal of improvement plans.

Improvement plans shall be submitted on twenty-four-inch by thirty-six-inch standard plan sheets. Drawings shall become the property of the city and shall have the standard city title block located in the bottom right hand corner. Layout sheets shall be on the plan and on three-line profiles. As-built drawings shall be provided. All plans shall be subject to the approval of the city engineer. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.1)

12.44.020 Adoption of standard specifications.

The design and improvement of subdivisions shall be governed by the standard specifications of the city. The subdivider shall have the obligations of a contractor under such standard specifications except those provisions which by their nature could only be applicable to contracts between the city and a contractor for public works. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.2)

12.44.030 Street standards.

In addition to the standard specifications, the design and improvement of streets, sanitary sewers, storm drainage, waste systems, utilities and landscaping shall be governed by the provisions of Sections 12.44.050 through 12.44.150, inclusive. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.3)

12.44.040 Continuation of streets.

All streets shall, as far as practicable, be in alignment with existing adjacent streets by continuations of the centerlines thereof or by adjustments by curves. Streets shall be in general conformity with the general plan for the most advantageous development of the area adjacent to the subdivision. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.4)

12.44.050 Intersections.

Streets shall intersect one another at any angle as near to a right angle as practicable. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.5)

12.44.060 Street stubs.

Where necessary to provide access to, or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the subdivision. The resulting deadend streets shall have a temporary turn-around. Control of access across such deadend streets shall be vested in the city by dedication of a one-foot nonaccess strip across the entire right-of-way width. In all other cases a turn-around having a minimum radius of forty feet shall be required. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.6)

12.44.070 Street improvements.

A. Type of Street.

Type	Right-of-Way Width	Curb Width	Traffic Index
Major	96 feet	74 feet	8+
Collector with Bike Lanes	66 feet	48 feet	7
Collector	60 feet	40 feet	6
Minor	50 feet	36 feet	5
Major Industrial Without Parking	60 feet	40 feet	8
Minor Industrial Without Parking	50 feet	36 feet	7
Residential Cul-de-sacs	Radius-50 feet	Radius-40 feet	
Industrial Cul-de-sacs	Radius-60 feet	Radius-50 feet	

B. Determination of Type of Street. Type of street may be determined from the following:

Tributory Dwelling Units	Traffic (Average Daily Traffic)	Type
Up to 200	1,400	Minor
200 to 700	5,000	Collector
In excess of 700	1,500 per hour (directional)	Major

C. Pavement Design. The state of California method for flexible pavement design shall be utilized. Aggregate base "R" value shall be a minimum of seventy-eight. Aggregate sub-base "R" value shall be a minimum of fifty. Minimum pavement shall be three inches asphalt concrete over eight inches Class II aggregate base, or full depth asphalt concrete, minimum six inches.

D. Street Improvements—Nonindustrial Streets. All nonindustrial streets shall include the following improvements:

1. Asphalt concrete paving on a rock base or full depth asphalt concrete;
2. Curb and gutter;
3. Sidewalk;
4. Electroliers;
5. Street trees;
6. Monuments;
7. Street signs;
8. Handicap ramps;
9. Driveways;
10. Storm drainage facilities;
11. Sanitary sewer facilities;
12. Water facilities;
13. Cable television facilities.

E. Street Improvements—Industrial Streets. Industrial streets shall have the same improvements as set forth in subsection D, with the exception of sidewalk, handicap ramps and street trees. In addition, industrial streets shall have landscaping.

F. Design Speed (Minimum).

1. Flatland—(less than five percent grade)—Major and collector streets—thirty-five miles per hour; Others—thirty miles per hour.

2. Hillside—(greater than five percent grade)—Major and collector streets—thirty miles per hour; Others—twenty-five miles per hour.

3. Since there is a wide variance of terrain within the above grade limits the design speeds are to be construed as minimum and shall be exceeded where practicable.

G. Vertical Curves on Centerline.

1. The summit and sag shall provide stopping sight distance for the appropriate design speed.

2. Reverse vertical curves are permitted.

H. Horizontal Curves.

1. Minimum curve radius shall be as follows:

a. Major—seven hundredfeet;

b. Collector—four hundred feet;

c. Minor—two hundred fifty feet;

d. Absolute minimum—one hundred fifty feet.

2. Minimum tangents:

a. Reverse curves are permitted on minor streets. There shall be a one-hundred foot minimum on all others.

b. From the end of curvature to the centerline of intersecting street—one hundred feet.

c. Compound curves shall be avoided.

I. Intersection Design. Intersections shall be designed with a minimum distance of one hundred fifty feet between intersections. "T" intersections shall be avoided where possible.

J. Monumentation. Monumentation shall be located on the centerline or on an offset as permitted by the city engineer. It shall be required at each beginning of curve, end of curve or intersection of streets, and where required to permit sight distance.

K. Grades.

1. The normal minimum shall be one percent after settlement.

2. The absolute maximum for minor streets shall be fifteen percent.

3. The absolute maximum for major streets shall be twelve percent.

L. Curb Radius. The minimum curb radius shall be twenty feet to the face of the curb.

M. Sidewalks.

1. Sidewalk, curb and gutter shall be monolithic.

2. Transverse grade shall be one-fourth inch per foot.

3. Concrete shall be a minimum of twenty-five hundred pounds per square inch.

4. Width shall be a minimum of five feet from the face of the curb.

5. Sidewalk thickness shall be four inches; residential and commercial driveways shall be six inches.

6. Expansion joints or deep score shall be at twenty feet on center and expansion joints with dowels at returns.

7. There shall be a four-inch minimum of base rock under the sidewalk and six-inch minimum under the curb and gutter.

N. Timing of Construction of Streets. Construction of all public streets within a subdivision shall be completed prior to commencement of construction of any building within such subdivision. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.7)

12.44.080 Sanitary sewers.

A. Design Criteria for Vitrified Clay Pipe.

1. The coefficient of friction "N" shall be 0.013.

2. The minimum velocity shall be two feet per second.

3. The maximum velocity shall be ten feet per second.

4. Flow factors shall be as follows:

Land Use	Peak Design Flow Factor (cubic feet/second/acre)
Single family	0.0065
Multifamily	0.0115
Commercial	0.0065
Light Industrial	0.0080
Heavy Industrial	0.0100
Other	Determined individually

5. Design shall include the full peak flow for the contributory area.

B. Slopes of Collector Lines.

Size	Minimum slope
4"	2.00%
6"	0.65%
8"	0.44%
10"	0.33%
12"	0.26%
15"	0.19%
18"	0.12%
21"	0.10%
24"	0.08%
27"	0.068%

C. Laterals.

1. Lateral serving single-family residences shall have a minimum diameter of four inches.

2. Laterals serving multifamily residences shall have a minimum diameter of six inches.

3. The minimum cover at the property line shall be three and one-half feet.

4. Cleanout shall be required at the property line.

D. Minimum Size for Mains.

1. The minimum size for mains in residential areas shall be six inches.

2. The minimum size for mains in commercial and industrial areas shall be eight inches.

E. Other Requirements.

1. Sewer easements shall be a minimum of ten feet wide.

2. Sewers shall be located in the street.

3. Manholes shall be spaced not more than three hundred feet apart. They shall be eccentric.

4. The minimum cover over a main shall be five feet.

5. A minimum clearance of one foot shall be maintained between the sewer and crossing pipes, and fifteen-foot minimum horizontal from water lines.

6. A 0.2 foot drop shall be allowed around a ninety degree bend in a manhole.

7. Stubs shall be provided for future extensions.

8. Direction or size shall be changed only at a manhole.

9. The minimum radius of curvature of the centerline of the pipe shall not be less than three hundred feet without approval of the city engineer.

10. Flushing inlets are required on all deadend lines, whether in a cul-de-sac or at a deadend street, except where the line is terminated at a manhole. Flushing inlets shall be located not more than one hundred fifty feet from a manhole. Lines shall be constructed through the development to upstream properties and shall include capacity for the upstream area.

11. Drop manholes shall be required where sewer lines do not channelize through the bottom of the manhole. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.8)

12.44.090 Storm drainage.

A. The rainfall intensity curve shall be based on the city standard rainfall intensity curves.

B. The street storm drain system shall be designed to withstand a twenty-five-year storm. Sumps, creeks and open waterways shall be designed to withstand a one-hundred-year storm.

C. Culverts and storm drains shall be designed with the hydraulic grade line six inches below the flow line of the curb and appurtenance to avoid serious damage from a fifty-year storm.

D. Hydrology:

1. For watersheds of less than five hundred acres, the quantity of flow concentrating at the designated point shall be calculated by the modified rational method, taking into consideration topographical, soil and vegetation conditions; existing and probable improvements in watershed; size of watershed and intensity of precipitation.

2. Inlet time or the time involved in the transportation of water from the initial point of concentration in the watershed to the design point through the use of gutters, culverts, storm drains and ditches shall be used for the time of concentration (duration of storm) for urban areas.

3. The minimum time of concentration to be used is ten minutes.

E. Street drainage and storm water inlets:

1. Inlets or downdrains, where applicable, shall be spaced and located so as to relieve the street of all storm water generated by a twenty-five-year storm.

2. Where paving is used without concrete gutters, water should be taken off the street at intervals no longer than four hundred feet.

3. On streets with curb and gutter, the intervals should not exceed eight hundred feet; provided, however, that the maximum width of gutter flow shall not exceed eight feet face of curb.

F. The one-hundred-year storm shall be contained within the right-of-way.

G. Slopes of storm lines shall be such as to achieve a velocity of two feet per second when flowing half full under gravity flow conditions.

H. The runoff method rational formula shall be Q = CIA, where "Q" is the quantity of runoff in cubic feet per second; "C" is the runoff coefficient; "I" is the intensity factor; and "A" is the area in acres.

I. Runoff coefficients shall be the following:

1. Parks and open areas—0.35;
2. Residential areas—0.50;
3. Multiple dwelling areas—0.65;
4. Commercial and paved areas—0.95.

J. Energy grade lines shall be as follows:

1. Inlet—maximum shall be one foot below the top of the curb.
2. Pipe lines—maximum shall be one foot below ground surface.

K. The invert grade of any culvert shall not be less than one-half of one percent. The minimum diameter for culverts shall be fifteen inches. Access structures shall not be placed more than four hundred feet apart on conduits smaller than forty-eight inches in diameter. Access structures shall be placed at all vertical and horizontal angle points.

L. Culvert sizes: The Manning Formula shall be used to calculate culvert and storm drain sizes and characteristics. The coefficients of friction to be used are as follows:

1. Concrete conduits: spun concrete pipe—N = 0.13; cast-in-place concrete—N = 0.15; corrugated metal pipe—N = 0.24.
2. Others: "N" values as approved by the city engineer.

M. Design requirements:

1. Lining shall be required for all channels other than natural drainage channels for natural channels wherever excavation is necessary to change the alignment, capacity or other characteristics of such channel.
2. All line channels shall include a cut-off wall at the beginning and termination of the lining, unless it is contiguous with a lined channel. The cut-off wall shall not be less than two and one-half feet below the invert of the lined channel, and shall extend to a minimum of two and one-half feet outside of the side walls to the top of the lining.
3. Additional bank protection of other appurtenances may be required where high velocities, abrupt changes in the direction of flow or other conditions may occur to cause damage to the channel or adjacent property.
4. The gradient for a line channel shall not be less than one-half of one percent.
5. The side slopes of lined channels shall not be steeper than 1-1/2:1, unless specifically reinforced.
6. Where asphaltic concrete is used to line drainage channels, the soil under the channel shall be sterilized prior to construction by a method acceptable to the city engineer.

N. Channel sizes: The Manning Formula shall be used to calculate the capacity and characteristics of drainage channels, with the following friction factors to be used:

Type of Section	**Manning "N"**
Concrete lining	0.014
Asphalt concrete or plant mixed asphalt	0.016
Gunite	0.017
Rip Rap	0.030

Other materials, or a combination of the materials shown above that may be used, should reflect these values.

O. Freeboard: The freeboard of any lined or unlined channel should not be less than 0.5 feet.

P. Curvature: The following shall be used to determine the minimum centerline radius to be used without superelevation:

Trapezoidal channels—subcritical flow

$$R = V^2 \frac{(B + 2KD)}{6.4}$$

Rectangular channels—subcritical flow

$$R = \frac{V^2}{6.4}$$

R = hydraulic radius
B = bottom width
D = depth of water
V = velocity of water
K = cotangent of bank slope

No curves shall be made in the supercritical area.

Q. Storm drain easements shall have a minimum width of fifteen feet. The outside of the pipe shall not be located closer than five feet to the easement line.

R. Subdrains shall be located under the gutters on each side of the street if required by the city engineer. Subdrains shall be perforated four inch size, and the crown thereof shall run three feet beneath the top of the curb subdrains shall be bedded in drain rock and connected to storm drains.

S. Grate inlets: Grate-type inlets on a continuous grade in excess of three percent cannot be considered as accepting their full capacity of flow and should be designed accordingly. Care should be exercised in placing grates outside of normal pedestrian traffic. The effective area of opening on each grate, regardless of slope, should be considered to be fifty percent of the actual area due to the assumption that the grate will be clogged by debris.

Curb openings should be provided rather than additional grates.

T. Curb inlets: The local depression in gutter grade at curb inlet locations shall not exceed four inches from the gutterline grade extended. The distance from the top of curb to the invert of the gutter at curb inlet locations shall not exceed ten inches. A minimum transition length from the standards street section to the depressed gutter shall not be shorter than eight feet.

U. Concrete pipe: The concrete pipe shall be American Standards for Testing Materials Designation C 76, Class III. The minimum pipe size shall be fifteen inches. The pipe shall be centrifugally cast reinforced concrete bell and spigot or tongue and groove with rubber gasket.

V. Minimum cover on storm drains and culverts: The following shall be the minimum cover on storm drains and culverts, as measured from finished stock, unless otherwise stated:

Reinforced concrete pipe		**Minimum**
(1)	Flexible pavement	24"
(2)	Rigid pavement	18"

Corrugated metal pipe		**Minimum**
(1)	Flexible pavement	12"
(2)	Rigid pavement	6" below concrete slab minimum

(Ord. 1352 § 1 (part), 1980: prior code § 21-7.9)

12.44.100 Water system.

Water mains connecting existing public or private water distribution systems shall be installed to serve each lot in the subdivision. Installation of water mains and all appurtenances thereto shall be installed to grades, location, materials, design and sizes approved by the city engineer for the municipal water system and fire agencies. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.10)

12.44.110 Utilities.

A. Letters from Pacific Gas and Electric Company and Pacific Telephone Company shall be submitted indicating agreement with the location and size of all easements and that satisfactory provisions, including but not limited to bonds and deposits, have been provided to the respective utility companies.

B. All utilities shall be placed prior to the construction of curbs, gutters, sidewalks or paving of the streets. No cutting of the street sections shall be permitted. Exceptions shall be made in case of telephone, gas and electric line services to delayed housing starts. All utilities shall be placed underground. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.11)

12.44.120 Landscaping of common green areas.

A. Planting shall conform with the landscaping master plan and as approved by the parks superintendent of the city.

B. Irrigation systems shall be provided for all landscaped areas, including medians, common greens, open areas and parks. Such systems shall contain conduit, meters and boxes, bubblers, sprinklers, hose bibs and other appurtenances as required by the parks superintendent. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.12)

12.44.130 Other improvements.

Design and improvement of cable television facilities and street lighting systems shall be as approved by the city engineer. Fire hydrants and fire alarm systems shall be as approved by the fire chief. (Ord. 1352 § 1 (part), 1980: prior code § 21-7.13)

12.44.140 Dedication of land for park and recreational purposes.

The subdivider shall provide for adequate and appropriate recreational facilities for the subdivision by the dedication of land in the subdivision or by the payment of fees in lieu thereof, in accordance with the conditions and requirements of this section.

A. Amount of Area to be Dedicated. Where there are fifty or more lots to be established in the subdivision, and where land therein can be properly located for public recreational facilities in accordance with the general plan, the subdivider shall dedicate an area for such purposes on the basis of two acres dedicated for each fifty acres within the subdivision to be developed.

B. Payment of Fees in Lieu of Dedication. Where there are less than fifty lots in the subdivision, or where the subdivision is of fifty lots or more but land within the subdivision cannot be located on a part of the subdivision as outlined in the general plan, the subdivider shall, in lieu of dedication of land, pay a fee in a sum equivalent to the following formula: Average number in household times recreational standard (4.50 acres per 1,000 population) times fair market value equals amount to be paid per family unit. Minimum requirements shall be as follows:

1. Single family and duplex areas: Three times 0.0045 times fair market value.

2. Multiple family areas: Two and one-half times 0.0045 times fair market value.

If the subdivider can show that the average household size as disclosed by the most recent available federal census or a census taken pursuant to Section 40200 of the Government Code, et seq., is smaller than the numbers used in sub-paragraphs 1 or 2, as the case may be, he or she may require that the fee be calculated based upon average household size indicated in the applicable census.

C. Amount of Fee. Where a fee is required to be paid in lieu of land dedication, the amount of such fee shall be based upon the fair market value of the amount of land which would otherwise be required to be dedicated pursuant to subsection B. The fair market value shall be determined by the planning director at the time of the filing of the tentative map; provided, however, that the city council may by resolution establish a fee per dwelling unit to be constructed based upon an estimate of current land values of residential property within

the city, and such fee shall be determinative of the fee to be paid by the subdivider in lieu of dedication pursuant to this section.

D. Private Open Space. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is proposed to be privately owned and maintained by the future residents thereof, credit may be given against the requirement of land dedication or payment of fees in lieu thereof if the agency approving the tentative map or tentative parcel map finds that it is in the public interest to do so and that all of the following standards are met:

1. That yards, court areas, setbacks, and other open areas required to be maintained by the zoning and building ordinances shall not be included in the computation of such private open space; and

2. That the private ownership and maintenance of the open space is adequately provided by recorded written agreement, conveyance or restrictions; and

3. That the use of the private open space is restricted for park and recreational purposes by recorded covenant, which runs with the land in favor of the future owners of the property and cannot be defeated or eliminated without the consent of the city; and

4. That the proposed private open space is reasonably adapted for use for park and recreational purposes taking into consideration such factors as size, shape, topography, geography, access, and location; and

5. That facilities proposed for open space are in substantial accord with the provisions of the general plan; and

6. That the open space for which credit is given is a minimum of three acres and provides all of the local park basic elements listed below, or a combination of such and other recreational park needs of the future residents of the area:

		Acres
a.	Children's play apparatus area:	0.50 to 0.75
b.	Landscape park-like and quiet areas:	0.50 to 1.00
c.	Family picnic area:	0.25 to 0.75
d.	Game court area:	0.25 to 0.50
e.	Turf playfield:	1.00 to 3.00

Where credits are given, the agency shall make written findings that the above standards are met.

Planned developments and real estate developments, as defined in Sections 11003 and 11003.1 of the Business and Professions Code shall be eligible to receive such credit for the value of private open space if the reviewing agency finds that the development meets the foregoing standards.

E. Improvements to Dedicated Land. If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by this section.

F. Timing of Determination and Payment.

1. At the time of approval of the tentative tract or parcel map, the approving agency shall determine pursuant to subsections A and B the land to be dedicated and/or the fees to be paid by the subdivider. At the time of the filing of the final tract map or final parcel map, the subdivider shall dedicate the land or pay the fees as previously determined, except as provided in subsection H.

2. Open space covenants for private park or recreation facilities shall be submitted to the city upon the filing of the final tract or parcel map and shall be recorded contemporaneously with such map.

3. At the time of approval of the final map, the approving agency of the final map shall specify when development of the park and recreational facilities shall be commenced.

G. Commitment of Fees Collected. Any fees collected under this section shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If such fees are not committed, they shall be distributed and paid to the then record owners of

the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.

H. Exemptions From this Section. The provisions of this section shall not apply to the following:

1. Subdivisions containing less than five parcels and not used for residential purposes; provided, however, that a condition of approval may be attached to the approval of a parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each such parcel as a condition to the issuance of such permit.

2. Industrial or commercial subdivisions.

3. Condominium projects or stock cooperatives which consist of the division of airspace in an existing apartment building which is more than five years old when no dwelling units are added. (Ord. 1418 § 23, 1983: prior code § 21-7.14)

12.44.150 Street lighting standards.

A. Spacing of Poles.

1. In General. Poles shall be spaced at intervals not exceeding one hundred fifty feet between poles when the poles are installed on the same side of the street or within medial island.

2. Staggered Configuration. Poles shall be spaced at intervals not exceeding three hundred feet between poles on one side of the street, and not exceeding one hundred fifty feet between alternate poles on the opposite side of the street when staggered configuration is used.

3. Exceptions. If the city engineer finds that unique circumstances are present, he or she may require a different spacing between poles than would otherwise be applicable pursuant to paragraphs 1 or 2 hereof.

B. Distance from Pole to Curb. Poles shall be located so that the centerline of each pole is not more than two feet from the face of the curb.

C. Fixture-mounting Height.

1. Maximum, thirty feet;

2. Minimum, sixteen feet.

D. Lamp Sizes.

1. General. 70-watt high-pressure sodium vapor.

2. Exceptions.

a. Major streets: 70, 100, 150, or 200-watt high-pressure sodium vapor, as determined by the city engineer.

b. Street intersections: 70-watt high-pressure sodium vapor, or as determined by the city engineer.

c. Areas susceptible to fog: 100, 150 or 200-watt high-pressure sodium vapor, as determined by the city engineer.

d. Exceptional or unusual situations: Where the city engineer finds that exceptional or unusual situations are present, including, but not limited to, the necessity to provide more intensive lighting to promote safe ingress and egress, the city engineer may require 100, 200, or 250-watt high-pressure sodium vapor, as he or she may determine.

e. Cost-benefit analysis: The city engineer shall only approve or require an exception to the general lamp size requirement after he or she shall have made a cost-benefit analysis of such exception. (Ord. 1363 § 1, 1981: prior code § 21-7.15)

Chapter 12.48

IMPROVEMENT SECURITY

Sections:

12.48.010 Types of improvement security.

Improvement security required of a subdivider pursuant to this chapter shall be one of the following, as determined by the city engineer:

A. A bond or bonds by one or more duly authorized corporate sureties.

B. A deposit, either with the city or with a responsible escrow agent or trust company, at the option of the city engineer, of money or negotiable bonds of the kind approved for securing deposits of public moneys.

C. An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement on deposit and guaranteed for payment or a letter of credit issued by such a financial institution.

D. A lien upon the property to be divided, created by contract between the owner and the city, if the city engineer finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map. (Ord. 1418 § 24 (part), 1983: prior code § 21-8.1)

12.48.020 Recordation of contract or security interest.

Any written contract or security interest in real property entered into as security for performance pursuant to Section 12.48.010 shall be recorded with the county recorder. (Ord. 1418 § 24 (part), 1983: prior code § 21-8.2)

12.48.030 Release or subordination of lien or security interest.

The city engineer shall have the authority to release all or any portion of the property subject to any lien or security interest created pursuant to this chapter, or to subordinate such lien or security interest to other liens or encumbrances if he or she determines that security for performance is sufficiently secured by a lien on other property or that the release of subordination of the lien will not jeopardize the completion of agreed upon improvements. (Ord. 1352 § 1 (part), 1980: prior code § 21-8.3)

12.48.040 Faithful performance bond—Form.

A bond or bonds by one or more duly authorized corporate sureties to secure the faithful performance of any agreement shall be in substantially the following form:

> WHEREAS, the City Council of the City of San Bruno, State of California, and _____, hereinafter designated as "principal," have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated __, 20___, and identified as project _____, is hereby referred to and made a part hereof; and
>
> WHEREAS, said principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement.
>
> NOW, THEREFORE, we, the principal and _____, as surety, are held firmly bound

unto the City of San Bruno, hereinafter called "City," in the penal sum of _____, DOLLARS ($_____), lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above bound principal, his or her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the said agreement and any alteration thereof made as therein provided, on his or her or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City of San Bruno, its officers, agents and employees as therein stipulated, then this obligation shall become null and void; otherwise it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by city in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms and agreement or to the work to be performed thereunder or the specifications accompanying the same shall in any wise affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the agreement or to the work or to the specification.

IN WITNESS WHEREOF, this instrument has been duly executed by the principal and surety above named on _____, 20___.

Appropriate modifications shall me made in such form if the bond is being furnished for the performance of an act not provided for by the agreement. (Ord. 1352 § 1 (part), 1980: prior code § 21-8.4)

12.48.050 Labor and materials bond—Form.

A bond or bonds by one or more duly authorized corporate sureties for the security of laborers and materialmen shall be in substantially the following form:

WHEREAS, the City Council of the City of San Bruno, State of California, and _____, hereinafter designated as "principal," have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated ____, 20___, and identified as project _____, is hereby referred to and made a part hereof; and

WHEREAS, under the terms of said agreement principal is required before entering upon the performance of the work, to file a good and sufficient bond with the City of San Bruno to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of part 4 of Division 3 of the Civil Code of the State of California.

NOW, THEREFORE, said principal and the undersigned as corporate surety, are held firmly bound unto the city of San Bruno and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of the aforesaid agreement and referred to in the aforesaid Code of Civil Procedure in the sum of _____, DOLLARS ($_____), for materials furnished or labor thereon of any kind, or for amounts due under the Unemploy-

ment Insurance Act with respect to such work or labor, that said surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees incurred by city in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of Part 4 of Division 3 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall remain in full force and effect.

The surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of said agreement or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration or addition.

IN WITNESS WHEREOF, this instrument has been duly executed by the principal and surety above named, on _____, 20___.

(Ord. 1352 § 1 (part), 1980: prior code § 21-8.5)

12.48.060 Amount of security.

A. The security to guarantee the performance of any act or agreement shall be in the following amounts:

1. One hundred percent of the total estimated cost of the improvement or the act to be performed, conditioned upon the faithful performance of the act or agreement; and

2. An additional amount of fifty percent of such total estimated cost, securing payment to the contractor, his or her subcontractors and to persons furnishing labor, materials or equipment to them for the improvement or the performance of the required act;

3. An additional amount of forty percent of such total estimated cost to guarantee and warranty the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

B. Whenever an entity required to furnish security in accordance with paragraphs 1 and 2 of subsection A is a California nonprofit corporation, funded by the United States of America or one of its agencies, the entity shall not be required to comply with said paragraphs if the following conditions are met:

1. The contractor installing the improvements has bonded to the nonprofit corporation and the city as co-obligee the amount of one hundred percent of the contract for the faithful performance of the work, and has further bonded to the nonprofit corporation and the city as co-obligee an amount of not less than fifty percent of the contract for the payment of labor and materials, and those bonds comply with the provisions of the Subdivision Map Act.

2. All moneys payable to the contractor by the nonprofit corporation are deposited in a depositary complying with the provisions of the Subdivision Map Act, and out of which moneys progress payments are conditional upon the following:

a. The contractor's certification to the nonprofit corporation that all labor performed in the work, and all materials furnished to and installed in the work, have been paid for in full to the date of the certification.

b. The final written approval of the nonprofit corporation.

c. Final payment to the contractor not being made until sixty days shall have expired after the

filing and recording of the notice of completion of the work and acceptance of the work by the city in writing.

3. All certifications as to progress payments shall be delivered through the United States mail to the nonprofit corporation. The term "progress payments" means payments made in compliance with the schedule of partial payments agreed upon in the contract for the work. No less than ten percent of the total contract price shall be retained for the sixty days following the filing of the notice of completion.

C. As a part of the obligation guaranteed by the security and in addition to the face amount of the security, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by the city in successfully enforcing the obligation secured. (Ord. 1418 § 25, 1983: prior code § 21-8.6)

12.48.070 Release of improvement security.

A. Security given for the faithful performance of any act or agreement shall be released upon the performance of the act or final completion and acceptance of the required work.

B. Security securing payment to the contractor, his or her subcontractors, and to persons furnishing labor, materials or equipment shall, after the passage of the time when claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the Civil Code, and after acceptance of the work, be reduced to an amount not less than the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the city council. If no such claims have been recorded, the security shall be released in full.

C. Any such release shall not apply to the required guarantees and warranty period as set forth in subsection C of Section 12.48.060 not to the amount of security retained for such period, nor to costs and reasonable expenses and fees, including reasonable attorney's fees.

D. The city engineer shall have the authority to cause release of the security in accordance with the provisions of this chapter. (Ord. 1418 § 26, 1983: prior code § 21-8.7)

12.48.080 Obligations subject to approval of other agencies.

Notwithstanding any other provision of this chapter, whenever the performance of the obligation for which the security is required is subject to the approval of another agency, the security shall not be released until the obligation is performed to the satisfaction of such other agency. Such agency shall have two months after completion of the performance of the obligation to register its satisfaction or dissatisfaction, and if the agency has not done so within such period, it shall be conclusively deemed that the performance of the obligation was done to its satisfaction. (Ord. 1352 § 1 (part), 1980: prior code § 21-8.8)

Chapter 12.52

LOT LINE ADJUSTMENTS

Sections:

12.52.010 Filing application.

An owner of real property may apply for a lot line adjustment by filing an application therefor with the planning director and upon payment of the required application fee. (Ord. 1352 § 1 (part), 1980: prior code § 21-9.1)

12.52.020 Submittal requirements.

A. The applicant shall file with the planning director a duplicate tracing and such number of copies of the plat as required with the application. The plat shall be eighteen inches by twenty-six inches in size, shall indicate the exterior boundaries, the existing lot lines, and the proposed adjustment of such lines at a scale of not more than one inch equals one hundred feet. The plat shall accurately locate all existing rights-of-way, easements and existing structures. The property lines indicated shall be obtained from existing recorded maps. In such instances the property owner may be required to have such buildings and adjoining lot lines accurately located to determine the effect a lot line adjustment would have on the existing development.

B. The plat shall indicate all dimensions and courses of property lines, the assessor's parcel numbers, the zoning of the property, the area of each existing parcel, and the resultant area of the revised lots. The plat shall contain a certification by the parties holding title pursuant to subsection A of Section 12.40.040, and the name of the person preparing the plat. (Ord. 1418 § 27, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-9.2)

12.52.030 Distribution of plats.

Within three days of receipt of a request for a lot line adjustment, the planning director shall refer the application to those departments and local agencies which may have an effect on the proposal. The director shall provide a minimum of five days for a response before taking any action on the application. (Ord. 1352 § 1 (part), 1980: prior code § 21-9.3)

12.52.040 Actions by planning director.

The planning director may approve the application for a lot line adjustment if he or she finds the following:

A. The lot line adjustment does not violate existing codes and policies; and

B. The lot line adjustment will not create difficult or unreasonable access to the parcels; and

C. The lot line adjustment would not require variances to permit standard development; and

D. Utilities and public services can be provided to the revised parcels; and

E. No street dedication or improvements are required.

The planning director may amend such plats as a condition of approval. (Ord. 1352 § 1 (part), 1980: prior code § 21-9.4)

12.52.050 Notification.

Approval or disapproval of a lot line adjustment application by the planning director shall appear on the plat. A copy thereof shall be transmitted to the applicant. A permanent copy of each lot line adjustment application and plat shall be maintained in the planning department, with a copy of each approved plat provided to the city engineer and the building inspector. (Ord. 1352 § 1 (part), 1980: prior code § 21-9.5)

12.52.060 Recordation.

Subsequent to the approval of the lot line adjustment by the planning director, the city clerk or his or her designated representative shall transmit the plat to the county recorder for recordation. (Ord. 1352 § 1 (part), 1980: prior code § 21-9.6)

Chapter 12.56

MODIFICATIONS

Sections:

12.56.010 Modification of provisions.

Whenever real property located in any subdivision is of such size or shape, or is subject to such title limitations of record, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider to fully conform to the regulations set forth in this article, the planning commission may permit such modification thereof as may be reasonably necessary if such modifications conform with the spirit and purpose of this article. (Ord. 1352 § 1 (part), 1980: prior code § 21-10.1)

12.56.020 Application for modification.

Whenever the subdivider desires to modify any of the provisions of this article pursuant to the provisions of this chapter, he or she shall file an application with the planning department in a form to be prescribed by such department. Such application shall set forth in detail the requested modification and a general sketch of the proposed tentative map or tentative parcel map as proposed to be modified. (Ord. 1352 § 1 (part), 1980: prior code § 21-10.2)

12.56.030 Referral of proposed modification to proper department.

Each proposed modification shall be reviewed by the departments having jurisdiction over the regulations involved and each such department shall transmit to the planning commission its written recommendation, which shall be reviewed prior to the granting of any modification. (Ord. 1352 § 1 (part), 1980: prior code § 21-10.3)

12.56.040 Modification by the commission.

The planning commission may approve modification from the provisions of this article if it finds such modification to be warranted. (Ord. 1352 § 1 (part), 1980: prior code § 21-10.4)

12.56.050 Time of filing of application.

An application for modification pursuant to this article shall be filed after completion of the review period established for the various city departments, public utilities, and other public agencies pursuant to Sections 12.32.110 and 12.36.120. Such application shall be filed prior to the filing of the tentative tract map or tentative parcel map pursuant to this article. (Ord. 1352 § 1 (part), 1980: prior code § 21-10.5)

12.56.060 Report of modification to council or city engineer.

In the event that any modification is approved, a written statement of such modification shall be transmitted to the city council, at the time of approval of a final tract map, or to the city engineer, in the case of the approval of a final parcel map. (Ord. 1352 § 1 (part), 1980: prior code § 21-10.6)

12.56.070 Duration of validity of actions.

The action of the planning commission in granting a modification shall be the life of the tentative tract map or tentative parcel map approval. If a final tract map or final parcel map is filed within such period of time, it may contain such modifications from the provisions of this article as have been permitted pursuant to this chapter. Except as herein modified, all subdivision maps shall comply with all of the provisions of this article. (Ord. 1352 § 1 (part), 1980: prior code § 21-10.7)

Chapter 12.60

REVERSIONS TO ACREAGE

Sections:

12.60.010 Generally.

Subdivided real property may be reverted to acreage pursuant to the provisions of this chapter. (Ord. 1352 § 1 (part), 1980: prior code § 21-11.1)

12.60.020 Initiation of proceedings.

Proceedings for reversion to acreage may be initiated by the city council on its own motion or by petition of all of the owners of record of the real property within the subdivision. Fees required for processing reversions to acreage shall be paid by the owners at the time of the filing of the petition or by the person or persons requesting the city council to proceed if such proceedings are initiated by the city council on its own motion. (Ord. 1352 § 1 (part), 1980: prior code § 21-11.2)

12.60.030 Form of petition.

The petition shall be in a form prescribed by the planning department and shall contain the following:

A. Adequate evidence of title to the real property within the subdivision;

B. Sufficient data to enable the city council to make all of the determinations and findings required by this chapter;

C. A final map which delineates dedications which will not be vacated and dedications which are a condition to reversion;

D. Such other pertinent information as may be required by the planning department. (Ord. 1352 § 1 (part), 1980: prior code § 21-11.3)

12.60.040 Public hearing.

A public hearing shall be held on the proposed reversion to acreage. Notice thereof will be given in the time and manner provided in Section 12.36.180. (Ord. 1352 § 1 (part), 1980: prior code § 21-11.4)

12.60.050 Findings by city council.

Subdivided real property may be reverted to acreage only if the city council finds that:

A. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

B. Either:

1. All owners of an interest in the real property within the subdivision have consented to reversion; or

2. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later; or

3. No lots shown on the final map or parcel map have been sold within five years from the date such map was filed for record. (Ord. 1352 § 1 (part), 1980: prior code § 21-11.5)

12.60.060 Conditions of reversion.

As conditions of reversion, the city council shall require the following:

A. Dedications or offers of dedication necessary for the purposes specified by this article following reversion;

B. Retention of all previously paid fees if necessary to accomplish the purposes of this article;

C. Retention of any portion of required improvement security or deposits if necessary to accomplish the purposes of this article. (Ord. 1352 § 1 (part), 1980: prior code § 21-11.6)

12.60.070 When reversion becomes effective.

Reversion shall be effective upon the final map being filed for record by the county recorder, and thereupon all dedications and offers of dedication not shown thereon shall be of no further force or effect. (Ord. 1352 § 1 (part), 1980: prior code § 21-11.7)

12.60.080 Return of fees and deposits.

When a reversion is effective, all fees and deposits shall be returned and all improvement security shall be released, except those retained pursuant to Section 12.60.060. (Ord. 1352 § 1 (part), 1980: prior code § 21-11.8)

12.60.090 Tax bond not required.

A tax bond shall not be required in reversion proceedings. (Ord. 1352 § 1 (part), 1980: prior code § 21-11.9)

12.60.100 Use of parcel map for reversions to acreage.

A. A parcel map may be filed pursuant to this chapter for the purpose of reverting to acreage land previously subdivided and consisting of four or less continuous parcels under the same ownership.

B. Any map so submitted shall be accompanied by evidence of title and non-use or lack of necessity of any streets or easements which are to be vacated or abandoned. Any streets or easements to be left in effect after the reversion shall be adequately delineated on the map.

C. After approval of the reversion by the planning director, the map shall be delivered to the county recorder.

D. The filing of the map shall constitute legal reversion to acreage of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. The filing of the map shall also constitute a merger of the separate parcels into one parcel for purposes of this chapter.

E. Except as provided in subsection A of Section 12.40.040, on any parcel map used for reverting acreage, a certificate shall appear signed and acknowledged by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map. (Ord. 1352 § 1 (part), 1980: prior code § 21-11.10)

12.60.110 Resubdivision in lieu of reversion to acreage.

A. Subdivided lands may be merged and resubdivided without reverting to acreage by complying with all the applicable requirements for the subdivision of land as provided by this article and the Subdivision Map Act.

B. The filing of the final map or parcel map shall constitute legal merging of the separate parcels into one parcel and the resubdivision of such parcel.

C. Any unused fees or deposits previously made pursuant to this article pertaining to the property shall be credited pro rate towards any requirements for the same purposes which are applicable at the time of resubdivision.

D. Any streets or easements to be left in effect after the resubdivision shall be adequately delineated on the map.

E. After approval of the merger and resubdivision, the map shall be delivered to the county recorder. The filing of the map shall constitute local merger and resubdivision of the land affected thereby, and shall also constitute abandonment of all streets and easements not shown on the map. (Ord. 1352 § 1 (part), 1980: prior code § 21-11.11)

Chapter 12.64

APPEALS

Sections:

12.64.010 Generally.

All actions with regard to tentative parcel maps, tentative tract maps, vesting tentative maps, lot line adjustments, modifications, determinations by the planning commission pursuant to Section 12.28.030(C)(5) that parcels are to be merged, and determinations by the planning director pursuant to Section 12.28.040 G that parcels are to be merged are appealable to the city council pursuant to this chapter. (Ord. 1461 § 6 (part), 1986: Ord. 1352 § 1 (part), 1980: prior code § 21-12.1)

12.64.020 Who may appeal.

A. A subdivider or any interested party affected by a decision of the planning director in connection with a tentative parcel map, tentative tract map, vesting tentative map, lot line adjustment, or modification may file a written notice of appeal with the city clerk.

B. A property owner who owns parcels of land which have been determined to be merged pursuant to Section 12.28.030(C)(5) or 12.28.040 G may file a written notice of appeal with the city clerk. Such property owner shall be deemed to be a subdivider for purposes of Section 12.64.050 A. (Ord. 1461 § 6 (part), 1986: Ord. 1352 § 1 (part), 1980: prior code § 21-12.2)

12.64.030 Contents of notice of appeal.

The notice shall identify the specific action or actions from which appeal is taken, the date of such action, the person or body taking the action, and the grounds for the appeal. (Ord. 1352 § 1 (part), 1980: prior code § 21-12.3)

12.64.040 Time limit for filing notice of appeal.

A. Except as provided in subsection B, the notice of appeal shall be filed not later than ten days from the date of the action from which the appeal is taken.

B. In the case of the denial of an extension of a vested tentative map, the notice of appeal shall be filed not later than fifteen days from the date of such denial. (Ord. 1461 § 7, 1986: Ord. 1352 § 1 (part), 1980: prior code § 21-12.4)

12.64.050 Hearings by city council.

A. In the case of an appeal by a subdivider, the city clerk shall set the matter for hearing within thirty days after the date of a request therefor filed by the subdivider or the appellant. In the case of an appeal by an interested person other than a subdivider, the city clerk shall set the matter for hearing within thirty days from the filing of the notice of appeal.

B. Hearings on appeals from actions with regard to tentative parcel maps and tentative tract maps shall be public hearings.

C. The city clerk shall give notice of public hearings on appeals regarding tentative tract maps in the manner prescribed by subsections B and C of Section 12.32.160.

D. The city clerk shall give notice of public hearings on appeals of actions regarding tentative tract maps in the manner prescribed by subsections B and C of Section 12.36.180.

E. Where the appeal is taken by an interested person, not less than ten days prior to the date of the hearing on the appeal, the city clerk shall notify the subdivider in writing postage prepaid, addressed to the most recent address of the subdivider indicated on his or her application. (Ord. 1418 § 28 (part), 1983: prior code § 21-12.5)

12.64.060 Action by city council.

A. The city council shall render its decision on the appeal within ten days of the date of the hearing.

B. The city council may sustain, modify, reject, or overrule the action of the planning director or planning commission.

C. In the case of an appeal of an action on a tentative parcel map, the city council shall make the findings prescribed in Sections 12.32.190 or 12.32.200.

D. In the case of an appeal of an action on a tentative tract map, the city council shall make the findings prescribed in Sections 12.36.220 or 12.36.230. (Ord. 1418 § 28 (part), 1983: prior code § 21-12.6)

Chapter 12.68

ADMINISTRATION AND ENFORCEMENT

Sections:

12.68.010 Responsibility for enforcement.

Except where herein otherwise provided, the planning director and the city attorney shall enforce the provisions of this article. (Ord. 1352 § 1 (part), 1980: prior code § 21-13.1)

12.68.020 Guaranteeing compliance with conditions.

As a condition of the approval of a subdivision map, the subdivider may be required to provide such evidence or guarantees of compliance with the conditions of approval as may be deemed necessary by the approving official or agency. (Ord. 1352 § 1 (part), 1980: prior code § 21-13.2)

12.68.030 Violations and penalties.

A. No person shall sell, lease, or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final map is required by this article, until such map thereof in full compliance with the provisions of this article has been filed for record by the county recorder.

B. No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a parcel map is required by this article, until such map thereof in full compliance with the provisions of this article has been filed for record by the county recorder.

C. Conveyances of any part of a division of real property for which a final or parcel map is required by this article shall not be made by a parcel or block number, initial or other designation, unless and until such map has been filed for record by the county recorder.

D. This section does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law (including this article) regulating the design and improvement of subdivision in effect at the time the subdivision was established.

E. Nothing contained in subsections A or B shall be construed to prohibit an offer or contract to sell, lease, or finance real property or to construct improvements thereon where such sale, lease, or financing, or the commencement of such construction is expressly conditioned upon the approval and filing of a final subdivision or parcel map, as required under this article. (Ord. 1418 §§ 29 and 30, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-13.3)

12.68.040 Violations a misdemeanor.

Any person who violates any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for term not exceeding one hundred eighty days, or by both such fine and imprisonment. Such person shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this article is committed or continued by such person, and shall be punishable as herein provided. (Ord. 1352 § 1 (part), 1980: prior code § 21-13.4)

12.68.050 Injunctive relief.

The city attorney may file an action in the superior court of San Mateo County, on behalf of the city, to enjoin any attempted or proposed subdivi-

sion or sale, lease or financing in violation of this article. (Ord. 1352 § 1 (part), 1980: prior code § 21-13.5)

12.68.060 Restrictions on issuance of permits for development.

A. No officer or employee of the city shall issue any permit or grant any approval on behalf of the city necessary to develop any real property which has been divided, or which has resulted from a division, in violation of the provisions of this article if the planning director finds that the development of such real property is contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was either the owner of record at the time of such violation, or whether such applicant is either the current owner of record or a lendee of the current owner of record pursuant to a contract of sale of the real property with, or without actual or constructive knowledge of the violation at the time of the acquisition of his or her interest in such real property.

B. If an officer or employee of the city issues a permit or grants approval for the development of any such real property, the planning director may impose only those conditions that would have been applicable to the division of the property at the time the applicant acquired his or her interest in such real property, and which has been established at such time by the Subdivision Map Act or this chapter, except as follows:

1. Where the applicant was the owner of record at the time of the initial violation of the provisions of this chapter who, by grant of the real property created a parcel or parcels in violation thereof, and such person is the current owner of record of one or more of the parcels which were created as a result of the grant in violation thereof, then the planning director may impose such conditions as would be applicable to a current division of the property; and

2. If a conditional certificate of compliance has been filed for record under the provisions of subsection B of Section 12.68.070, only such conditions stipulated in that certificate shall be applicable. (Ord. 1418 § 31, 1983; Ord. 1352 § 1 (part), 1980: prior code § 21-13.6)

12.68.070 Certificate of compliance.

A. Any person owning real property or a vendee of such person pursuant to a contract of sale of such real property may request, and the planning director shall determine, whether such real property complies with the provisions of this article. Upon making such a determination, the planning director shall cause a certificate of compliance to be filed for record with the county recorder. The certificate of compliance shall identify the real property and shall state the division thereof complies with applicable provisions of this article.

B. If the planning director determines that such real property does not comply with the provisions of this article, he or she shall issue a certificate of compliance or a conditional certificate of compliance. He or she may, as a condition to granting a certificate of compliance, impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his or her interest therein, and which had been established at such time by this chapter, except as provided in the following sentence. Where the applicant was the owner of record at the time of the initial violation of this article and such person is the current owner of record of one or more of the parcels which were created as the result of the grant in violation of this article, then the planning director may impose such conditions as would be applicable to a current division of the property. Upon making such a determination and establishing such conditions, the planning director shall cause a conditional certificate of compliance to be filed for record with the county recorder. Such certificate shall serve as a notice to the property owner or vendee who has applied for the certificate pursuant to this section, a grantee of the property owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of such conditions shall be required prior to subse-

quent issuance of a permit or other grant of approval for development of the property.

C. Compliance with such conditions shall not be required until such time as a permit or other grant of approval for development of such property is issued.

D. A certificate of compliance shall be issued for any real property which has been approved for development pursuant to Section 12.68.060.

E. A recorded final map or parcel map shall constitute a certificate of compliance with respect to the parcels of real property described therein. (Ord. 1352 § 1 (part), 1980: prior code § 21-13.7)

12.68.080 Notice of violation.

A. Whenever the planning director has knowledge that real property has been divided in violation of this article, he or she shall cause to be filed for record with the county recorder a notice of intention to record a notice of violation, describing the real property in detail, naming the owners thereof, describing the violation and stating that an opportunity will be given to the owner to present evidence.

B. Upon recording a notice of intention to record a notice of violation, the planning director shall mail a copy of such notice to the owner of such real property. The notice shall specify a time, date and place at which the owner may present evidence to the planning commission why such notice should not be recorded.

C. If, after the owner has presented evidence, it is determined that there has been no violation, the planning director shall record a release of the notice of intention to record a notice of violation with the county recorder.

D. If after the owner has presented evidence the planning commission determines that the property has in fact been illegally divided, or if within sixty days of receipt of such copy the owner of such real property fails to inform the planning director of his or her objection to recording the notice of violation, the planning director shall record the notice of violation with the county recorder.

E. The notice of intention to record a notice of violation and the notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. (Ord. 1352 § 1 (part), 1980: prior code § 21-13.8)

Article III. Zoning

Chapter 12.72

AUTHORITY

Sections:

12.72.010 Authority.

This article is adopted pursuant to the Planning and Zoning Law of the State of California (Title 7, Division 1, Chapter 4, commencing with Section 65800 of the Government Code) and is supplemental to the provisions thereof. All provisions of said chapter and future amendments thereto not incorporated in this article shall apply to all proceedings under this title. (Ord. 1410 §1 (part), 1982: prior code § 27-1.1)

Chapter 12.76

TITLE, PURPOSE, ETC.

Sections:

12.76.010 Title.

This article shall be known as the "San Bruno Zoning Ordinance." (Ord. 1410 § 1 (part), 1982: prior code § 27-2.1)

12.76.020 Policy.

It is the policy of the city that the development of land and the design and arrangement of structures be subject to the control of the city pursuant to the general plan. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.2)

12.76.030 Purpose.

This article is adopted to protect and promote the public health, safety, comfort, convenience and general welfare, and to achieve the following additional purposes:

A. To provide a precise guide to the physical development of the city in order to achieve the land uses and open spaces described in the general plan;

B. To promote development that is most appropriate and beneficial to the city;

C. To promote an efficient, safe system of traffic circulation;

D. To provide for adequate off-street parking facilities;

E. To provide for appropriate population densities;

F. To provide for the appropriate location of public facilities;

G. To provide for appropriate locations and standards for commercial uses in accord with the general plan in order to strengthen the economic base of the city;

H. To promote development that enhances its sites and the quality of its neighborhood;

I. To ensure that new development will not overburden existing utility systems and public facilities and services; and that provisions are made to supplement said systems, facilities and services if necessary to accommodate new development;

J. To discourage development in hazardous areas or under hazardous conditions in order to protect the public health, safety, and general welfare. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.3)

12.76.040 Consistency with general or specific plans and CEQA.

Approval of all applications pursuant to this article shall be based on a finding that said approval is consistent with the general plan and any applicable specific plan adopted by the city council. In those instances where general or specific plan policies are more restrictive than the zoning regulations, said applicable policies shall have precedence in regulating the application. Applications for rezoning, architectural review or use permit shall be denied if found to be inconsistent with the general plan or applicable specific plan.

Prior to taking action on any application the approving authority, i.e., architectural review committee, planning commission, or city council, shall review the environmental status of the project for which application is being made. Unless the project is categorically exempt, the approving authority shall certify that the negative declaration or environmental impact report is complete and ade-

quate. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.4)

12.76.050 Application.

The regulations established by this article shall apply to all property within the incorporated limits of the city. Such regulations shall be interpreted as the minimum standards reasonably necessary to promote the public health, comfort and general welfare. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.5)

12.76.060 Fees.

The city council shall by resolution establish a schedule of fees for processing the various applications required by this article. No application shall be considered complete and ready for processing until the required fee has been paid. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.6)

12.76.070 Relation to previous regulations.

Except as specifically provided herein, this article shall not be interpreted to repeal, abrogate, annul or in any way affect any existing provisions of any law, ordinance or regulation, or any permits previously issued relating to the construction, erection, moving, alteration or enlargement of any building or improvement. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.7)

12.76.080 Interpretation by planning commission.

In determining whether or not the use of land or any structure in any district is similar in nature, function or operation to the particular uses allowed in a district, the commission shall consider the following criteria:

A. Effect upon public health, safety and general welfare of the neighborhood involved and the city at large;

B. Effect upon traffic and parking conditions;

C. Effect upon the orderly development of the area in question and the city at large; and

D. Consistency with the general plan or applicable specific plan. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.8)

12.76.090 Validity.

No action of the city, or any approving authority thereof shall be deemed invalid by reason of failure to comply with or conform to the procedural requirements of this article. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.9)

12.76.100 Completeness of application.

Not later than thirty calendar days after receiving an application the planning director shall notify the applicant in writing as to whether the application is complete. If the application is not complete, the planning director shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.

After the planning director accepts an application as complete, the applicant shall not be requested to provide any new or additional information which was not required as part of the application; provided, however, that in the course of processing, the applicant may be required to clarify, amplify, correct or otherwise supplement the information required for the application. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.10)

12.76.110 Approval or disapproval within time limit set by state law.

Any application made pursuant to this article shall be approved or disapproved, and extensions granted and completeness of application determined, within the time periods specified by state law. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.11)

12.76.120 Notice to county assessor and owner.

Whenever the zoning district applicable to a lot is changed or a variance, conditional use permit, minor modification, or finding is granted with respect to such lot, the planning director shall, within thirty days, notify the county assessor of such ac-

tion. If the action was requested by other than the owner of record, the planning director shall simultaneously notify the owner of such lot of the fact that such notice has been sent to the assessor, of the assessor's duty under Section 402.2 of the Revenue and Taxation Code, and of the rights and process of assessment protest and equalization hearing as provided in Part 3 (commencing with Section 1601) of Division 1 of the Revenue and Taxation Code. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.12)

12.76.130 Resubmittal of application.

Where an application for rezoning, use permit, variance or minor modification is denied, the application shall not be eligible for resubmittal within one year of such denial unless, in the opinion of the person or body which most recently considered the application either as an original matter or as an appeal, new evidence is submitted or conditions have changed to such an extent that said person or body determines that further consideration is warranted. When a matter is denied, denial shall be deemed to have occurred on the date the last body or person considering the matter makes a decision. (Ord. 1410 § 1 (part), 1982: prior code § 27-2.13)

Chapter 12.80

DEFINITIONS

Sections:

12.80.005 Scope.

For the purpose of this article certain words and terms used herein are defined in the following sections. Words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory; and the word "may," permissive. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.007 Uniform Building Code (UBC).

For the purpose of this title the Uniform Building Code, as amended periodically, and subject to any amendments, additions, and deletions set forth in this chapter, shall define all words, phrases, and terminology which are not otherwise defined herein. In the event that the definition of any word, phrase, or terminology herein conflicts with a definition within the Uniform Building Code, the definitions set forth herein shall prevail. (Ord. 1705 § 1 (part), 2005)

12.80.010 Accessory building.

"Accessory building" means a separate building, the use of which is subordinate and incidental to that of the main building, structure, or use on the same lot. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.015 Accessory use.

"Accessory use" means a use which is subordinate and incidental to the main use on the same lot. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.020 Adult bookstore.

"Adult bookstore" means an establishment in which the dominant character or theme of a preponderance of its stock in trade, books, magazines, and other periodicals is distinguished or characterized by its emphasis on specified sexual activities or specific anatomical areas, as such terms are defined in this chapter. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.025 Adult entertainment facility.

"Adult entertainment facility" means an establishment used for presenting live entertainment, the predominant character or theme of which emphasizes, depicts, describes, or relates to specified anatomical areas or specified sexual activities. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.030 Adult motion picture theater.

"Adult motion picture theater" means an enclosed building in which the predominant character or theme of a preponderance of motion pictures exhibited is distinguished or characterized by its

emphasis on specified anatomical areas or specified sexual activities. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.035 Advertising display.

"Advertising display" means advertising structure or sign. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.040 Advertising structure.

"Advertising structure" means a structure of any kind or character erected or maintained for outdoor advertising purposes on which any poster, bill, printing, painting, or other advertisement of any kind whatsoever may be placed, including statuary. Such term does not include:

A. Official notices issued by a court of public body or officer;

B. Notices posted by any public officer in performance of a public duty, or by any person giving legal notice;

C. Directional, warning or information signs or structures required or authorized by laws or by federal, state, or municipal authority. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.045 Alley.

"Alley" means any public thoroughfare which affords only a secondary means of access to abutting property. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.050 Amusement game center.

"Amusement game center" means a public place of amusement or public place of business in which more than three amusement machines are installed. As used herein, an "amusement machine" is any device, machine, apparatus, or other instrument (including, but not limited to electronic games, marble games, and pinball games) the operation of which is permitted, controlled, allowed, or made possible by the deposit or placing of any coin, plate disk, slug or key into any slot, receptacle, crevice, or other opening, or by the payment of any fee or fees, for its use as a game or contest of any description, or which may be used for any such game or contest, and the use or possession of which is not prohibited by laws of the state. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.055 Apartment.

"Apartment" means multiple family dwelling. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.060 Arcade.

"Arcade" means a structure designed to provide a passage or pedestrian way through all or a portion of the structure, having as the primary function the provision of access to stores or offices from such pedestrian way. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.065 Architectural review committee.

"Architectural review committee" means a committee composed of three members of the planning commission who shall be selected by the commission and who shall conduct regular public meetings, the schedule of which shall be established by the commission. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.070 Automobile repair, major.

"Major automobile repair" means the repair or replacement of frames and bodies, including painting of vehicles of all weights and sizes, and the repair or replacement of engines, transmissions, power trains and wheels of vehicles, exceeding one and one-half ton capacity. This definition includes auto and truck paint shops, body and fender repair shops and wrecked vehicle storage areas. When any of the above uses are an integral part of and connected with new motor vehicle dealers, such use shall be considered as an accessory use. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.075 Automobile repair, minor.

"Minor automobile repair" means the repair or replacement of all or portions of engines, transmissions, power trains and wheels of vehicles not ex-

ceeding one and one-half ton capacity. This definition includes auto transmission shops, brake and wheel shops, radiator repair shops, fuel and electrical repair shops, upholstery and muffler shops. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.080 Automobile service station or gasoline service station.

"Automobile service station" or "gasoline service station" means a retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, such as, dispensing of automotive fuel and motor oil, vehicle washing and lubricating services; the sale and service of tires, batteries, replacement items and other automotive accessories; and minor automotive repair. This definition shall not be deemed to include body or fender work, painting or major automobile repairs, sales of nursery products, sale of alcoholic beverages, or coupon redemption for sales of merchandise not accessory to a motor vehicle. Gasoline service stations may also provide a towing service limited to no more than two trucks or equipment rental, subject to conditions of approval by the reviewing agency. When a conditional use permit shall have been granted to authorize an automobile service station or gasoline service station on a lot, the only use permitted thereon shall be the supplying of those goods and services described in the first and third sentences of this definition, unless such conditional use permit expressly authorized other uses. Permitted uses otherwise allowed in the zoning district in which a service station is located are not allowed in conjunction with a service station unless specifically authorized by a conditional use permit. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.085 Boardinghouse.

"Boardinghouse" means a dwelling other than a hotel where lodging and meals for three or more persons is provided for compensation. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.090 Building.

"Building" means any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal or chattel. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.095 Building coverage.

"Building coverage" means all of the area of any building site occupied by any main building or accessory building. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.100 Building, main.

"Main building" means a building in which is conducted the principal use of the lot and/or building site on which it is situated. A parking structure under a building shall be considered part of the main building. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.105 Building site.

"Building site" means a lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, or by any use permitted herein, together with such open spaces as required by the terms of this article and having its principal frontage on a street, road or highway. (See Section 12.80.290, Lot.) (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.110 Business, retail.

The retail sales of any article, substance or commodity for the profit or livelihood, conducted within a building but not including the sale of lumber or other building materials or the sale of used or second-hand goods or materials of any kind. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.115 Business, wholesale.

"Wholesale business" means the wholesale handling of any article, substance or commodity for

the profit or livelihood, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity, and not including the processing or manufacture of any product or substance. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.120 CEQA.

"CEQA" means the California Environmental Quality Act of 1970, setting forth requirements for governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality, and setting forth regulations for environmental impact reports (EIR). (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.130 Child nursery.

"Child nursery" means an establishment for the part-time care and instruction whether or not for compensation of seven or more children, other than those residents on the site. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.135 Church.

"Church" means a structure intended as a meeting place for organized religious worship and related activities. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.140 Clinic.

"Clinic" means a group of two or more persons of the medical or dental profession providing outpatient services. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.145 Community apartment.

"Community apartment" means a development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon. "Community apartment" includes a stock cooperative, which is a corporation formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by a corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the persons having such right of occupancy. For the purposes of this code, community apartments are subject to the same restrictions, conditions, requirements and taxes as condominiums. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.150 Conditional use.

"Conditional use" means a use which is allowed in a zoning district subject to obtaining a use permit. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.155 Condominium.

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may include, in addition, a separate interest in other portions of real property. Such separate interest may, with respect to the duration of its enjoyment, be either (a) an estate or inheritance or perpetual estate, (b) an estate for life, (c) an estate for years, such as a leasehold or subleasehold, or (d) a right of use. Condominiums shall include townhouses. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.160 Condominium project.

"Condominium project" means the entire parcel, or portion thereof, of real property, including all structures thereon, subdivided or to be subdivided for the purpose of constructing or converting existing structures to condominium units. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.165 Convalescent hospital.

"Convalescent hospital" means an institution offering or providing lodging, meals, nursing, die-

tary or other personal services to convalescents, invalids or aged persons, but does not include surgery or the care of persons with contagious or communicable diseases. Convalescent hospital includes sanitorium or sanitarium. Convalescent hospitals shall have a minimum of a registered nurse on duty at all times. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.170 Conversion.

"Conversion" means a change in the type of ownership of one or more lots or parcels of real property, together with the existing attached structures, to that defined as a condominium project or a community apartment project or a stock cooperative, regardless of the present or prior use of such land and structures and whether substantial improvements have been made or are to be made to such structures. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.175 Council.

"Council" means the city council of San Bruno. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.180 Crop and tree farming.

"Crop and tree farming" means the raising of, but not the sale on the premises of, any form of vegetation for profit. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.185 Disabled person.

"Disabled person" means a person who has a combination of partial or total physical incapacity and inability to work (as defined in the California Workers Compensation Law), or the inability to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment, or blindness (a central visual acuity of 20/200 or less in the better eye with the use of a correcting lens). (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.190 District.

"District" means a portion of the city within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this article. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.193 Drinking place.

"Drinking place" means an establishment which sells alcoholic beverages for consumption on premises as either the primary business of the establishment or that portion of any allowable land use establishment which provides an alcoholic beverage sales activity for consumption on premises as a subordinate service.

The alternative use of the descriptive words "bar," "tavern," "nightclub," or "cocktail lounge" in defining any form of drinking place when used in Chapter 12 of the San Bruno Municipal Code, shall mean "drinking place" as defined above. For the purposes of this ordinance, liquor stores, private clubs or lodges, and special events (public or private) are not included in the definition of "drinking place". (Ord. 1685 § 1.1, 2003: Ord. 1471 § 3, 1986)

12.80.195 Drive-in eating place.

"Drive-in eating place" means an eating place:

A. Which has less than fifty percent of the floor area of the total structure devoted to indoor seating, and which serves food and/or drink from throw-away plates, wrappings or cups; or

B. Which serves food from a pass-through opening to vehicles; or

C. Which serves food to parked vehicles.

Establishments selling prepared food for exclusive consumption off the premises shall not be considered as drive-in eating places on the basis of seating but may be considered as drive-in eating places on the basis of a pass-through opening or service to parked vehicles. (Ord. 1471 § 2, 1986; Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.200 Dwelling, single-family.

"Single-family dwelling" means a building designed for, or used to house, not more than one family, including all necessary employees of such family. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.205 Dwelling, two-family or duplex.

"Two-family dwelling" or "duplex" means a building containing not more than two kitchens designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each such family. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.210 Dwelling, multiple.

"Multiple dwelling" means a building or portion thereof, used and designed as residence for three or more families living independently of each other and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including automobile courts or boardinghouses. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.215 Excess housekeeping unit.

"Excess housekeeping unit" means a housekeeping unit which, when added to other housekeeping units on the same lot, would result in the presence of a number of units on such lot in excess of the maximum number permitted on such lot under the regulations of the applicable zoning district. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.220 Family.

"Family" means one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a hotel, club, fraternity, sorority house, roominghouse, or boardinghouse. A family shall be deemed to include necessary servants. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.221 Family day care.

A. "Family day care" means regularly provided care, protection and supervision of fourteen or fewer children, in the provider's home, for periods less than twenty-four hours per day, while the parents or guardians are away.

B. "Large family day care home" means a home which provided family day care to seven to fourteen children, including children who reside at the home, as defined in the regulations of the State Department of Social Services.

C. "Small family day care home" means a home which provides family day care to eight or fewer children, including children who reside at the home, as defined in the regulations of the State Department of Social Services. (Ord. 1433 § 1 (part), 1984: Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.225 Freeway.

"Freeway" means a highway as to which abutting lands have no right or easement of access, or limited or restricted right of easement or access, and which is declared to be such in compliance with the Streets and Highway Code of the state. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.227 Gambling club.

"Gambling club" means any establishment where legal gambling or gaming is conducted or licensed, specifically including any business or other enterprise that conducts or operates legal gambling or gaming. "Gambling club" does not include any facility operated by any bona fide nonprofit society, club, fraternity, labor, or other organization organized for similar purposes, which has adopted bylaws and duly elected directors and members, where the tables are for the exclusive use of the members of the organization, and no charge is made for any of the facilities.

"Legal gambling" means any card or other game, except for bingo, or played for currency, check, credit or any other thing of value which is not prohibited and made unlawful by Chapter 9

(commencing with Section 319) or Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code, or otherwise prohibited by any ordinance of the city of San Bruno. (Ord. 1476 § 6, 1987)

12.80.230 Garage or carport.

"Garage" or "carport" means a covered area at least ten feet by twenty feet, designed and usable for storage of motor vehicles and accessible to an improved street. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.235 Guesthouse.

"Guesthouse" means an accessory building with no cooking facilities, designed and/or used for overnight occupancy only and not as a living unit. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.240 Garage, subterranean.

"Subterranean garage" means a garage structure wholly or partly underground, no portion of which is more than half of the distance above the average level of the adjoining ground, except for openings for ingress and egress. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.245 Height of buildings.

"Height of buildings" means the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.250 Home occupation.

"Home occupation" means a commercial activity conducted which is clearly incidental and secondary to the use of the dwelling for residential purposes, and in accordance with the regulations of this title. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.255 Hospital.

"Hospital" means an institution providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick and injured including full-time medical supervision of the institution. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.260 Hotel.

"Hotel" means any building or portion thereof containing six or more guest rooms and necessary off-street parking designed or intended to be used by transient guests. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.265 Housekeeping unit.

"Housekeeping unit" means a single living unit, consisting of a room or suite or combination of rooms, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.270 Interested party or interested person.

"Interested party" or "interested person" means any person who is either:

A. An owner or occupant of real property within the city of San Bruno or within three hundred feet of the lot or parcel which is the subject of the appeal; or

B. Employed at a location within said city or within three hundred feet of such lot or parcel. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.275 Junkyard.

"Junkyard" means the use of more than one hundred square feet of the area of any lot for any scrap materials or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.280 Landscaped freeway.

"Landscaped freeway" means one or more sections of a freeway as to which at least one side of the right-of-way is or may be improved by the planting of lawns, trees, shrubs, flowers, or other ornamental vegetation, which shall require reasonable maintenance. The character of a freeway is not changed to a landscaped freeway merely by planting for the purpose of erosion control, traffic safety requirements, reduction of fire hazards or traffic noise abatement. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.285 Landscaping.

"Landscaping" means living vegetation, planted in the ground, except in those areas where otherwise allowable by the planning commission. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.287 Loft floor.

A. "Loft floor" means the upper floor level of an individual dwelling unit provided that the upper floor level complies with the following conditions:

1. The upper floor level does not exceed five hundred square feet.

2. The upper floor level has at least one permanent opening to the lower level.

3. The area of the upper floor level does not exceed fifty percent of the area of the lower level.

4. The individual dwelling unit is located within a multifamily residential or mixed-use development.

5. The individual dwelling unit is not located within a single family residential (R-1) or low density residential (R-2) zoning district.

B. A loft floor meeting the conditions set forth in subsection A of this section shall not constitute a story as that term is defined within the Uniform Building Code. (Ord. 1705 § 1 (part), 2005)

12.80.290 Lot.

"Lot" means a separate parcel of land which has its principal frontage on a public street, road, highway, or private road as approved by the city. The various classifications of lots are as follows:

A. "Corner lot" means a site bounded by two or more adjacent street lines which have an angle of intersection of not more than one hundred thirty-five degrees.

B. "Double frontage or through lot" means an interior lot having frontage on two parallel or approximately parallel streets.

C. "Flag or panhandle lot" means a building site with access to a street by means of a corridor having not less than twenty feet of width. The area of the access corridor shall not be included in determining the site area of a flag or panhandle lot.

D. "Front lot" means the narrowest dimension of the lot facing a street.

E. "Interior lot" means a lot other than a corner lot.

F. "Key lot" means the first lot to the rear of a reversed corner lot, whether or not it is separated from this lot by an alley.

G. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of this corner lot abuts.

H. "Substandard lot" means a lot:

1. Which is situated in any zoning district with the exception of PD, O and U districts whose area or lot width does not meet minimum requirements for such zoning district; and

2. Which was shown as a separate lot or parcel on a subdivision map filed in the office of the county recorder of the county of San Mateo prior to January 13, 1962; and

3. Which has never since January 13, 1962 been of one record ownership with adjoining land sufficient together with said lot or parcel to create a standard building site. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.295 Lot area.

"Lot area" means the computed area contained within the lot lines. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.300 Lot depth.

"Lot depth" means the horizontal distance between the front and rear property lines of a site measured in the mean direction of the side property lines. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.305 Lot line.

"Lot line" means the boundary of a lot.

A. "Front lot" means on an interior lot, the lot line abutting the street. On a corner lot, the shorter line lot line abutting a street. On a through lot, the lot line abutting the street providing the primary access to the lot. On a flag lot or panhandle lot, the interior lot line most parallel to and nearest the street from which access is obtained.

B. "Interior lot" means any lot line not abutting a street.

C. "Rear lot" means the lot line not intersecting a front lot line which is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

D. "Side lot" means any lot line which is not a front or rear lot line.

E. "Street lot" means any lot abutting a street. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.310 Lot width.

"Lot width" means the horizontal distance between the side lines measured at the required front setback line. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.315 Major repair or renovation.

"Major repair or renovation" means as such term is used in Chapter 12.88, any repair or renovation of a building or structure for which an expenditure of more than five thousand dollars was made. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.320 Massage establishment.

"Massage establishment" means an establishment having a fixed place of business where massage baths, or health treatments, involving massage or baths as the principal function, are given, engaged in, carried on, or permitted to be given, engaged in, or carried on in any manner described in the provisions of this code governing massage, bathing, and health establishments. "Massage establishment" does not include any health club, health spa, gymnasium, or other similar facility designed or intended for general physical exercise or conditioning in which the furnishing of massage or bathing services or facilities is subordinate and incidental. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.325 Medical/dental offices.

"Medical/dental offices" means offices of those persons licensed to practice such medical and dental services as: doctors, dentists, chiropodists, acupuncturists, and psychotherapists. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.330 Minor modification.

"Minor modification" shall include the following modifications to structures or grounds which are nonstructural in nature and which:

A. Change or add windows, doors, or nonbearing walls;

B. Change or add exterior facades or veneers to structures;

C. Change or add architectural features or canopies, such as overhangs or eaves;

D. Change or replace landscaping in existing landscaped areas. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.335 Motel.

See Section 12.80.260, "Hotel." (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.340 Nonconforming building/ structure.

"Nonconforming building/structure" means a structure which was lawfully erected prior to the adoption of the ordinance codified in this article but which, under this article, does not conform with the standards of coverage, yard space, height of structure, off-street parking or distances between structures prescribed in the regulations for the district in which the structure is located. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.345 Nonconforming sign.

"Nonconforming sign" means:

A. A sign which does not conform with one or more provisions of this article but was lawfully placed and maintained on property in the city prior to the time this article became effective, or on property which was outside the city at the time of the placement of the sign but was subsequently annexed to the city;

B. A sign which conformed with the provisions of Chapter 12.104 on the effective date thereof but ceases to conform thereto due to a rezoning of the property on which it is situated or due to a subsequent amendment to this article. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.350 Nonconforming use.

"Nonconforming use" means a use of a building/structure or land which was lawfully established and maintained prior to the adoption of the ordinance codified in this article but which, under this article, does not conform with the use regulations for the district in which it is located. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.355 Off-site.

The term "off-site" as used in conjunction with the terms "advertising display," "advertising structure," or "sign," refers to a display, structure or sign which announces or directs attention to:

A. The name or nature of a business not located on the lot where such device is placed or proposed to be placed;

B. A person who is not an occupant of a structure, building or land on such lot;

C. The nature of type of goods, services, or products not produced, sold, stored or furnished on such lot. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.360 Off-street parking facilities.

"Off-street parking facilities" means an area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this article. The term shall include parking lots, garages and parking structures. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.365 Open space.

"Open space" means any public, quasi-public, or private lands or areas devoted to passive or active recreation or any zoning, to recreation, agricultural, common area, or other use other than a building site or sites, not including parking areas or driveways. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.370 Overlay.

"Overlay" means a zoning designation applied to one or more lots which adds special regulations in addition to those of the zoning district in which the property is situated (i.e., the "M" overlay adds the individual district regulations to the zoning district on which it is imposed). (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.375 Parking space.

"Parking space" means an accessible and usable space on the building site of not less than the minimum standards set out in Chapter 12.100. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.380 Permitted use.

"Permitted use" means a use of right within a zone as determined in Chapter 12.96. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.385 Place; to place (in relation to a sign).

"Place," or "to place" (in relation to a sign) means to erect, construct, post, paint, tack, nail, glue, stitch, carve, or otherwise fasten, affix, or make visible any sign to the ground or any tree, bush, rock, fence, post, wall, building, structure or thing. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.390 Planning director.

"Planning director" means the community and economic development director of the city of San Bruno. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.395 Professional office.

"Professional office" means an office where one or more of the following such uses is conducted: accountant, advertising agency, architect, attorney, civil engineer or surveyor's drafting office, collection agency, insurance office, photographer, private detective, real estate office, social worker, or similar use. "Professional office" does not include the following such uses: barber shop, beauty parlor, pest control, pharmacy, or veterinary. "Professional office" does not include medical/dental offices. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.400 Public dance/public entertainment event.

"Public dance/public entertainment event" means any dance or live audible or visible dramatic or musical performance, or any other type of live entertainment, to which the public is admitted, or at which an admission fee is charged for persons attending the dance or event, whether such admissions is charged at the door or entry, through the sale of tickets, or in any manner whatsoever. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.405 Rest home.

"Rest home" means a home offering or providing lodging, meals, nursing, dietary or other personal services to convalescents, invalids or aged persons but does not include surgery or the care of persons with contagious or communicable diseases. "Rest homes" includes home for the aged. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.407 Restaurant.

"Restaurant" means a retail establishment which prepares and sells food and/or drinks for consumption primarily upon the premises, which has fifty percent or more of the premises' floor area used for table seating and/or counter seating. Those establishments preparing and selling food which have some or all of its table seating area outside and adjoining the premises' structure must include that outside seating area in calculating the premises' usable floor area.

The alternative use of the descriptive words "eating place" or "cafe" which meet the above description of restaurant' when used in Chapter 12 of the San Bruno Municipal Code, shall mean a "restaurant" as defined above. (Ord. 1471 § 4, 1986)

12.80.408 Restaurant with alcoholic beverage sales.

A "restaurant with alcoholic beverage sales" means an eating establishment, where a portion of the premises is dedicated to the preparation and serving of alcoholic beverages for consumption on premises. A "restaurant with alcoholic beverage sales" is also a "drinking place" as defined in Chapter 12 of the San Bruno Municipal Code. The alternative use of the descriptive words "eating place with alcoholic beverage sales" in defining any form of "restaurant with alcoholic beverage sales" shall mean "restaurant with alcoholic beverage sales" as defined herein. (Ord. 1685 § 1.2, 2003)

12.80.410 Senior citizen.

"Senior citizen" means, as such term is used in Chapter 12.88, any person sixty-two years of age or older at the time of submittal of an application to the planning department. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.415 Setback, front.

"Front setback" means a clear distance from the front of any lot within which no building or structure may be permitted except as provided in Chapter 12.96. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.420 Setback, rear.

"Rear setback" means a clear distance from the rear of any lot within which no building or structure may be permitted except as provided in Chapter 12.96. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.425 Setback, side.

"Side setback" means a clear distance from the side of any lot within which no building or structure may be permitted except as provided in Chapter 12.96. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.430 Side and front of corner lots.

For the purpose of this article, the narrowest frontage of a corner lot facing the street is the front, and the longest frontage facing the intersecting street is the side, irrespective of the direction in which the dwelling faces. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.435 Sign.

"Sign" means all outdoor advertising and any and all devices which:

A. Are visible from any public or private street, way, thoroughfare, alley, or walk; and

B. Announce or direct attention to the name or nature of a business, occupant, structure, building, or land; or to the nature or type of goods, services, or products produced, sold, stored, furnished, or available at the location; and

C. Are attached to, made a part of, or placed in front, rear, sides, or top of any structure or on any land. "Sign" refers to devices which are structural or otherwise, lighted or unlighted, painted or unpainted, and devices advertising the sale or resale of real property.

1. Abandoned Sign and/or Sign Casing. "Abandoned sign" and/or "sign casing" means a sign and/or sign casing existing on real property under such circumstances as to advertise or direct attention to a business, occupant, building, structure, goods, products, or services available at that location. Any sign or casing related to a former business located on property which remains unoccupied for a period of sixty days or more, or any sign or casing which was placed or erected for an occupant or business unrelated to the present occupant or business; or any sign or casing which pertains to a time, event, or purpose which no longer exists, shall be presumed to be abandoned.

2. Double-Faced Sign. "Double-faced sign" means a sign with two lettered surfaces in which the angle between the surface does not exceed forty-five degrees.

3. Election Sign. "Election sign" means a sign, banner, pennant, or advertising display constructed of metal, wood, plastic, cloth, canvas, light fabric, cardboard, wallboard, or other materials which supports or opposes the candidacy of any candidate for elected office or any measure which is to be voted upon in an election, or other materials displayed as an election information device.

4. Freestanding Sign. "Freestanding sign" means a sign not attached to any portion of a building, and not projecting through the roof or eave of a building.

5. Illegal Sign. "Illegal sign" means a sign which is placed or maintained in violation of one or more provisions of Chapter 12.104, a sign which has lost its status as a nonconforming sign due to the conclusion of the amortization period for its removal, or due to the occurrence of an event

which requires the removal of the sign, such as the termination of a business which the sign advertises.

6. Individual Letter. "Individual letter" means a wall-mounted sign consisting of separate letters or a logo individually mounted.

7. Projecting Sign. "Projecting sign" means a sign which projects over the street right-of-way.

8. Projecting Roof Sign. "Projecting roof sign" means a sign which projects over the street right-of-way and is wholly or partially supported or attached over or above any wall, building or structure.

9. Roof Sign. "Roof sign" means a sign which is supported or attached, wholly or partially over or above any wall, building or structure.

10. Temporary Sign. "Temporary sign" means a sign, banner, pennant, valance or advertising display constructed of metal, wood, plastic, cloth, canvas, light fabric, cardboard, wallboard, or similar materials, with or without frames, intended to be displayed for a limited period of time.

11. Wall Sign. "Wall sign" means a sign placed flatwise on a building. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.440 Sign area.

"Sign area" means the space enclosed by the outer dimensions of the sign. When a sign is painted on a building, fence, wall, pole, or any other structure, within any border, and with its background the same color as the wall of the building or other structure, the area of the sign shall be computed by enclosing the area containing wording or other images within sets of parallel lines and taking the area thus enclosed. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.445 Special residential care facility.

"Special residential care facility" means a state-authorized, certified or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children or the elderly, when such home provides care on a twenty-four-hour a day basis. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.447 Specialty restaurant.

"Specialty restaurant" means a retail establishment which primarily sells food of a single or limited variety, that may normally be consumed at, or soon after, the time of purchase irrespective of whether the establishment provides an area for on-site consumption. Such establishments include doughnut shops, ice cream stores or parlours, delicatessens and similar food establishments.

"Specialty restaurant" does not include bakery, butcher shop, fish store or other similar limited variety food establishments selling foodstuffs typically unavailable for immediate consumption; nor does it include grocery stores which may have a specialty restaurant as a subordinate use; nor does it include a "drive-in eating place" as defined in Section 12.80.195 of the San Bruno Municipal Code. (Ord. 1471 § 5, 1986)

12.80.450 Specific anatomical areas.

"Specific anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.455 Specified sexual activities.

"Specified sexual activities" means human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock, or female breast. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.460 Standard Industrial Classification Manual (SIC).

"Standard Industrial Classification Manual (SIC)" means the latest publication prepared by the Statistical Policy Division, Office of Management

and Budget, Executive Office of the President of the United States and available from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. As used in this article, the SIC shall constitute the detailed descriptions of uses enumerated in the various use districts, except where such uses are otherwise defined in this article. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.465 Street.

"Street" means a public thoroughfare accepted by the city of San Bruno, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley as defined herein. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.470 Street line.

"Street line" means the boundary between a street and private property. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.475 Structure.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.480 Structural alterations.

"Structural alternations" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.485 This article.

"This article" means Chapters 12.72 through 12.144 of the San Bruno Municipal Code. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.490 Use.

"Use" means the purpose for which land or premises of a building thereon is designed, arranged, or intended or for which it is, or may be occupied or maintained. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.495 Veterinary hospital.

"Veterinary hospital" means any premises used for the care, treatment or boarding of small domestic animals, including dogs, cats, birds and similar animals and fowl with all such operations being concluded wholly within a building. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

12.80.500 Valet parking.

"Valet parking" means the use of employees or other individuals to park vehicles of persons visiting or patronizing a specific business or location. (Ord. 1494 § 5, 1988)

12.80.510 Yard.

"Yard" means a required open space, which is unoccupied and unobstructed from the ground upward, except by eaves or uncovered porches. (Ord. 1410 § 1 (part), 1982: prior code § 27-3.1 (part))

Chapter 12.84

GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONS

Sections:

12.84.010 Scope.

The regulations provided for in this article shall be subject to the general provisions and exceptions set forth in this chapter. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.1)

12.84.020 Building site area.

A lot or parcel with a lot width, depth or area that does not meet the minimum requirements of the zoning district in which it is located shall be considered a building site if said lot or parcel is shown on a subdivision map or parcel map recorded with the county recorder prior to January 13, 1962 (effective date of previous zoning ordinance); and further provided, said lot or parcel has not been, since that date, in common ownership with contiguous property thereby providing required lot width, depth or area for the zoning district. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.2)

12.84.030 Temporary uses.

The planning director may grant use permits for temporary uses for a period of up to three months. The planning commission may grant such temporary uses for a period of up to one year by using the procedure set forth in Chapter 12.112 governing the granting of a use permit. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.3)

12.84.040 Adult business.

A. Adult bookstores, adult entertainment facilities, adult motion picture theaters, and massage establishments shall not be permitted as home occupations.

B. Such uses shall only be permitted in C-C, C-1, and C-2 zoning districts, and C-N districts abutting El Camino Real, subject to the restrictions set forth in subsections C and D of this section. Such uses shall be prohibited in other zoning districts. In districts where such uses are permitted, the applicable requirements set forth in the district regulations shall govern, except as provided in this section.

C. Such uses shall be prohibited within five hundred feet of a residential zoning district, another adult use, a school attended primarily by minors, a church, and a public park.

D. For any adult motion picture theater or adult entertainment facility, adult bookstore and massage establishment, off-street requirements shall be governed by Chapter 12.100. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.4)

12.84.050 Cardrooms.

A. Cardrooms shall not be permitted as home occupations.

B. Cardrooms shall be conditional uses in commercial districts abutting El Camino Real and San Mateo Avenue and shall be governed by provisions of Chapter 12.112 pertaining to use permits. Cardrooms shall be prohibited uses in other zoning districts. In districts where such uses are conditional uses, the applicable requirements set forth in the district regulations shall govern, except as provided in this section.

C. For cardrooms, off-street parking requirements shall be governed by Chapter 12.100. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.5)

12.84.060 Amusement game centers and other entertainment establishments.

A. No amusement game center, theater, circus, carnival, open air theater, racetrack, private recreation center, or other similar establishment involving large assemblages of people may be established in any district unless and until a use permit is first secured for the establishment, maintenance and operation of such use.

B. No place of public amusement or place of public dance or entertainment, as defined in Section 4.04.010 of this code, may be established in any district unless and until a use permit is first secured for the establishment, maintenance and operation of such use.

C. No use permit shall be issued for any place of public amusement or place of public dance or entertainment unless and until a license therefor shall have first been issued pursuant to Title 4.

D. Except for amusement game centers, as defined in Section 4.04.010 of this code, the uses described in subsections A and B of this section shall be conditional uses in C-1, C-2 and C-C districts. They shall be permitted uses in P-D districts whose development plans provide that the predominant use of the district is retail commercial, and where the commission finds that the proposed use would be compatible with retail commercial use in such district. Such uses shall be prohibited in other districts.

E. No amusement game center may be established in any district unless and until a use permit is first secured for the establishment, maintenance and operation of such use.

F. Amusement game centers shall be conditional uses only in C-N, C-1, C-2, and C-C districts. They shall be permitted in P-D districts whose development plans provide that the predominant use of the district is retail commercial, and where the commission finds that the proposed use would be compatible with retail commercial use in such district.

G. No amusement game center may be established, maintained or operated within one thousand feet from the nearest street entrance to or exit from any public playground or public or private school of elementary or high school grades; nor within three hundred feet from any residential zoning district. Said distance shall be measured from said entrance or exit in the most direct line or route on, along, or across said street or streets adjacent to said public playground or public or private school of elementary or high school grade or residential zoning district.

H. No conditional use permit shall be issued for any amusement game center unless and until a license therefor pursuant to Title 4 shall first have been issued.

I. Every application for a conditional use permit for an amusement game center shall indicate the following information:

1. The proposed hours of operation;

2. Any proposed restriction as to hours during which minors will not be permitted on the premises so as not to conflict with school attendance days;

3. The proposed number of amusement games to be installed; the general types of games; the maximum number of players who can play each game at once;

4. The type of private security service which will be provided during hours of operation;

5. The name of one or more responsible adults who will act as the agent in charge of the premises during hours of operations.

J. Every conditional use permit for an amusement game center shall contain specific conditions as to the following:

1. General restrictions on hours of operation;

2. Special restrictions as to hours of the day during which minors will not be permitted on the premises so as not to conflict with school attendance days;

3. The maximum number of amusement machines which will be installed and maintained;

4. Provision of adequate security service during hours of operation;

5. Restriction of business operations open to the public to the area commonly known as the street area;

6. Designation of a responsible adult as agent in charge;

7. Restriction against loaning of money or extension of credit for the purpose of providing or encouraging play of amusement machines;

8. A requirement that the operator of the center maintain a copy of the conditions of the use permit on the premises;

9. Authorization of revocation of the permit if the use becomes a public nuisance to the adjacent neighborhood or a serious police problem.

K. In considering an application for a conditional use permit for an amusement game center, the planning commission or the city council on appeal, shall take into account and make findings relative to the following factors:

1. Adequacy of interior or exterior lighting;

2. Adequacy of sound insulation;

3. Adequacy of restrooms;

4. Compatibility with adjacent businesses;

5. Adequacy of vehicular and pedestrian access.

L. Unless a license shall have been issued by the Department of Alcoholic Beverage Control of the state for on-sale or off-sale of alcoholic beverages on the premises of an amusement game center, no person shall bring such beverages on the premises or consume such beverages thereat.

M. Off-street parking requirements for amusement game centers shall be as specified in Section 12.100.090.

N. An amusement game center which lawfully commenced after the city council or planning commission approved the use of such facility for amusement games may continue in operation at the approved location. The following method of operation shall be observed:

1. No person under eighteen years of age shall be permitted within the premises before three p.m. on weekdays designated as school attendance days by the San Mateo Union High School District. The agent in charge shall be responsible for enforcement of this provision.

2. The number of amusement machines kept or maintained at such center shall not be increased beyond the number kept or maintained thereat on March 8, 1982, unless a conditional use permit shall have been issued therefor, or unless the center is in a P-D district whose development plan provides that the predominant use of the district is retail commercial, and the commission finds that the proposed increased use of amusement games at the center is compatible with the retail commercial use in such district.

3. The operator of the center has designated a responsible adult as agent in charge, to be present during all business hours. The name of such person shall be conspicuously posted at or near the main cashier area.

4. No money shall be loaned or credit extended for the purpose of providing or encouraging game play.

5. The operator of the premises shall cause at least one sign advising of the restriction imposed by subsection A of this section to be posted at each public entrance to the center.

O. The keeping, maintenance, or use of not more than three amusement machines is an accessory use in business establishments in the C-1, C-2, C-N, C-B-D, and C-C districts, and in P-D districts whose development plans provide that the pre-

dominant use of the district is retail commercial. The operations of such machines by persons under eighteen years of age shall be prohibited prior to three p.m. on any weekday designated as a school attendance day by the San Mateo Union High School District.

P. The keeping, maintenance, or use of not more than three amusement machines is an accessory use in a residential district, provided that such machines are used solely for the amusement of the occupants of the dwelling and their guests, and not for commercial purposes or for the purpose of receiving income. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.6)

12.84.070 Public dance/entertainment event.

A. Any person may apply to the chief of police, as specified in Title 4 of this code, for a permit to hold a dance or event for up to three such dances or events in a single year.

B. Where such person has received permits for three dances or events in any single year, or where such person intends to hold a public dance or event on a permanent basis, a use permit must first be obtained in accordance with the provisions of Chapter 12.112.

These requirements shall not be applicable to the following:

1. Any dance or entertainment event held by a business establishment which is licensed by the Alcoholic Beverage Control Board of the state where dancing or live entertainment is incidental to the other activities of the business;

2. Any dance or entertainment event conducted directly by the public schools, or by the recognized student body organizations thereof, where such dance is conducted on school premises;

3. Any dance or live entertainment event conducted directly by the department of parks and recreation of the city; or

4. Any dance or live entertainment event conducted in a place of public dance or entertainment licensed as such pursuant to this code. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.7)

12.84.080 Use of surplus schools and public buildings.

A. School district or other public agency buildings which have hereto been used for school or other public purposes which are situated on one or more contiguous lots entirely surrounded, abutted, or adjoined by residential and/or open space zones may be used for the following:

B. Not subject to a use permit: Library extension and adult education, special education classes, school administration office, park and recreation office, senior citizen services, nursery school, child day care center;

C. Subject to a use permit: Recreational, educational and cultural facilities, public utility facilities (excluding corporation or repair yards and warehouses); offices; storage completely within a building or incidental or accessory to another allowed use; and uses which in the opinion of the planning commission are similar to those listed permitted and conditional uses.

D. Notwithstanding any other provision of this code, all other existing school district or other public agency buildings which have heretofore been used for school or other public purposes may have permitted uses not exceeding the highest intensity zone of any surrounding, abutting, or adjoining property; provided that:

1. The governing body of the respective school district or other public agency find and determine that the property, or any portion thereof, is not immediately needed for a public purpose;

2. The secretary or clerk of the governing body certify such findings and determination to the planning director.

Applicable property may be leased for higher intensity uses found not to be harmful to these surrounding uses subject to obtaining a use permit pursuant to Chapter 12.112.

E. Upon transfer or sale of the subject school or public agency property, any permitted uses under this section shall terminate. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.8)

12.84.090 Public utility facilities.

A. Utility Transmission Facilities. Utility transmission facilities shall be allowed in all districts. No such facilities shall be constructed unless and until the route thereof shall have been submitted to the planning commission for review at a public hearing as to which notice is given pursuant to Chapter 12.132.

B. Utility Distribution Facilities. Utility distribution facilities, including but not limited to electric, communications and cable television, shall be allowed in all districts. The height thereof shall be limited to fifty feet or three stories, whichever is more restrictive, except where necessary to allow compliance with clearance requirements for utility lines and structures.

When an underground utility district is formed, or when required by the subdivision ordinance, utility distribution facilities within such district or subdivision, or within the public street right-of-way adjacent to such subdivision, shall be placed underground, including appurtenant equipment, transformers, terminal boxes, meter cabinets, and ducts. The commission shall have the discretion to require existing facilities to be placed underground in connection with approval or architectural review permits, conditional use permits, planned unit permits, minor modifications, variances, P-D zoning, and approval of P-D district development plans.

Facilities not placed underground shall be screened from view by the developer or property owner in a manner which will enable the utility to have access to the facilities for reading or maintenance. Screening materials shall consist of landscaped shrubbery or fencing.

C. New Structures. No building permit shall be issued for the construction of a new structure unless the property owner shall have executed a covenant running with the land, and enforceable by the city, whereby the owner waives the right to protest the inclusion of the property within an underground utility district.

Where compliance with this subsection would cause undue hardship, the planning commission may, upon application of the owner, permit other arrangements for electric or communication service; provided, that facilities for future underground service are installed in the building.

D. Location of Substations, Pumping Stations and Similar Facilities. Public utility substations, pumping stations, equipment buildings and similar facilities may be located in any district, subject to obtaining a use permit, which shall be approved if it is found that the facility is designed in a manner compatible with the neighborhood wherein it is proposed to be located.

E. Utility Meters. Public utility meters, in all districts, shall be enclosed or screened from view from any public area or adjacent buildings. Meters shall be screened in a manner which will enable the utility to have access to the meter for reading or maintenance. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.9)

12.84.100 Swimming pool and hot tub regulations.

A. Swimming pools and hot tubs in any district shall be constructed at least fifty feet from the front lot line. Such pool or tub may not be located closer than five feet from any rear lot line or side lot line. On the street side of any corner lot where the rear of the lot abuts the side lot line, no pool or tub shall be located closer than ten feet to such lot line.

B. Pumps, filter, and heating systems for such pools and tubs shall not be located within ten feet of any dwelling other than that located on the lot where the swimming pool or tub is proposed to be located.

C. All swimming pools and hot tubs or the portion of the yard in which said pool or tub is located shall be completely enclosed by a fence at least six feet in height and all gates shall be self-closing and self-latching. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.10)

12.84.110 Solar energy systems.

To encourage the use of solar energy systems, said systems shall be permitted to the extent that they conform to the regulations for structures con-

tained in this article. Where said systems would not conform to the regulations of the district within which they would be located, they shall be treated as conditional uses, subject to obtaining a use permit, which shall be approved, provided the establishment and use of the system would pose no threat to the public health and safety. Reasonable restrictions or conditions may be imposed, provided they do not significantly increase the cost of the system or significantly decrease its efficiency. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.11)

12.84.120 Television satellite receivers.

A. Equipment designed to receive satellite television signals shall be permitted in all districts, subject to obtaining a building permit.

B. Such equipment shall not be placed on the roofs of structures in residential districts and may be placed on the roofs of commercial structures only if said roof is constructed to be capable of supporting such equipment.

C. Such equipment shall be set back at least ten feet from any property line. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.12)

12.84.130 Home occupation permits.

A. Criteria. The following criteria shall be determinative of a valid home occupation:

1. It shall not unreasonably generate pedestrian or vehicular traffic beyond that normal to the zone in which it is located.

2. It shall not involve the use of commercial vehicles for the delivery of materials to or from the premises (vehicles not over three-fourths-ton carrying capacity excepted). No vehicle over three-fourths-ton carrying capacity shall be used for home occupation purposes.

3. It shall not involve the use of signs other than the minimum required by law.

4. It shall not involve more than two hundred square feet or ten percent, whichever is greater, of the dwelling floor area whether the home occupation use is conducted within the dwelling or in an accessory building or a combination of both.

5. Stock-in-trade may be used or kept within a home or occupation permitted area, provided the stock-in-trade is sold off the premises.

6. In no way shall the appearance of the structure or premises be so altered, or the conduct of the occupation within the structure or premises be such, that the nature of the premises may be reasonably recognized as serving a nonresidential use (either by color, materials, construction, lighting, signs, noises or vibrations, etc.).

7. No mechanical or electrical equipment is used or stored which causes undue noise or electrical interference.

8. A home occupation may be conducted only within an enclosed building, whether the building constitutes part of the main building or is an accessory building. After a public hearing and hearing notice, as described in Chapter 12.132, the planning director may authorize a home occupation in other than an enclosed building upon the determination that the home occupation will not damage neighboring properties.

9. A home occupation may be conducted in a garage provided the home occupation does not unreasonably conflict with the required parking for such residential structure.

10. The home occupation shall not involve the employment of help other than resident members of the family within the residence. No provision of this section shall be deemed to prohibit service occupations carried on off the premises, nor to prohibit the employment of persons off the premises. Where special conditions exist and are disclosed on the application, the planning director may modify this requirement.

B. Home Occupation Permits. No person shall commence or carry on any home occupation, as set forth above, within the city without first having procured a permit from the planning director. The planning director shall issue a permit when the applicant shows that the home occupation meets all the requirements of subsection A of this section. Every home occupation shall fully comply with all city, county and state codes, ordinances, rules and regulations.

C. Permit Applications: Form and Content. Applications for home occupations permits, as set forth in subsection B of this section, shall be filed, in writing, with the planning director, by the person who intends commencing or carrying on a home occupation. The applications shall be upon forms furnished by and in the manner prescribed by the planning director. Where the applicant is not the owner of the lot on which the home occupation is proposed to be conducted, the application shall be accompanied by the written consent of the owner or his or her agent. Such written consent shall be annually renewed.

D. Permit Not Transferable. No home occupation permit issued pursuant to the provisions of subsection B of this section shall be transferred or assigned, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the home occupation for which the permit was issued.

E. Notices and Appeals. Within seven days after the filing of an application for a home occupation permit, the planning director shall either issue or deny the permit and shall serve notice of such action upon the applicant by mailing a copy of such notice to the applicant at the address appearing on the application. Any person aggrieved by the action of the planning director upon an application for a permit may appeal such action to the planning commission. The appeal shall be filed within seven days after the actions by the planning director. The appeal shall be accompanied by a fee, as set by the city council. Within thirty days of receiving the appeal the matter shall be considered by the planning commission.

An appeal of the commission decision may be made by filing a written notice of appeal with the city clerk within seven days from the date of the commission decision. The city clerk shall present all appeals to the council, and shall give written notice to the applicant of the time and date set for such review. The action of the council shall be final and conclusive with respect to the issuance or denial of such home occupation permit.

F. Suspension, Revocation and Appeals. Any home occupation permit issued pursuant to the provisions of subsection B of this section may be suspended or revoked by the planning director when it appears that the home occupation authorized by the permit has been or is being conducted:

1. In violation of the conditions of approval of any city, county and/or state code, ordinance, rule or regulation, including the provisions of this section; or
2. In a disorderly manner; or
3. To the detriment of the general public; or
4. When the home occupation being carried on is different from that for which the permit was issued. Any home occupation permit which has been issued shall not be revoked or suspended unless a hearing shall first have been held by the planning director. Written notice of the time and place of such hearing shall be served upon the permittee at least seven days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds for revoking or suspending the permit; such notice to the person to be notified at the address appearing on the permit. Any person aggrieved by the action of the planning director may appeal to the commission by filing a written notice of appeal with the planning director within seven days after the date of mailing of the planning director's action. Appeals shall be processed as set forth in subsection E of this section.

G. Inspection Fees. An inspection fee shall be paid upon the filing of an application for a home occupation permit.

H. Business License Required. Every home occupation permittee shall obtain a business license. A deposit toward the required business license shall be paid at the time of filing an application for a home occupation permit. The deposit shall be refunded in the event the home occupation application is denied. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.13)

12.84.140 Accessory buildings.

A. An accessory building which is attached to the main building:

1. Shall be made structurally a part of the main building;

2. Shall have a common wall or roof with the main building; and

3. Shall comply in all respects with the requirements of this article applicable to the main building.

B. Unless so attached, an accessory building in a residential district shall be located at least six feet from any dwelling building existing or under construction on the same lot. Such detached accessory building shall not be located within five feet of any alley or within one foot of side or rear line of the lot or, in the case of a corner lot, to project beyond the front setback required on any adjacent key lot.

C. Except for a detached garage, every accessory building shall be located on the rear half of the lot. No accessory building shall be constructed until a main building is constructed on the site.

D. No accessory building shall be used for living, sleeping, eating, cooking, or situations unless said building has been specifically authorized by the city for such use as a dwelling. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.14)

12.84.150 Fences, hedges, walls and plantings.

A. No fence, hedge, wall or screen planting of any kind for residential properties:

1. Shall be constructed or grown to exceed six feet in height (unless otherwise permitted by law) within any required side yard to the rear of the required front yard of any dwelling or within any required rear yard;

2. Shall exceed three feet in height within the required front yard of any dwelling; or

3. Shall be situated within twenty-five feet of the street corner of a corner lot. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.15)

12.84.160 Exceptions to height limit.

Flagpoles, monuments, radio antennae, windmills and similar structures may be permitted to exceed the height limits for the district in which they are located up to fifty feet or three stories, whichever is the more restrictive, provided a use permit is first obtained, as set forth in Chapter 12.112. This limitation on the height of a radio communication antennae shall not apply to recognized members of the city of San Bruno emergency service organizations; however, in no case, may the height of said antennae exceed fifty feet above the adjoining grade level. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.16)

12.84.170 Exceptions to setback requirements.

A. Architectural features, such as cornices, eaves, and canopies, shall not be constructed closer than three feet from any side lot line nor project more than six feet into any required front or rear yard.

B. Open porches, decks, landings and outside stairways may project not closer than three feet from any side lot line and not exceeding six feet into any required front or rear yard.

C. Where sixty percent or more of the lots in a block have been improved with buildings, the minimum required front yard shall be the average of the front yard of the improved lots if said average is less than the requirements of this article.

D. On any substandard lot which qualifies as a building site pursuant to the provisions of this article, the width of each side yard may be reduced to ten percent of the width of such parcel, but in no case to less than three feet.

E. Whenever an official plan line has been established for any street, the required yards shall be measured from such line. No encroachment upon any official plan line shall be permitted.

F. Whenever the first story of a dwelling in an R-1 district projects within a required side or rear setback due to the granting of a variance, architectural review permit, or as built, due to the status of the projection as a nonconforming use, or where such projection has existed for not less than ten years, the second story of such dwelling may be built or added to so as to project within any such setback to a degree not greater than the projection

of the first story without the necessity of a variance or architectural review permit. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.17)

12.84.180 Performance standards.

The following performance standards will be applicable to each project unless the approval authority determines that one or more of said standards is inapplicable due to the nature or circumstances of the project. In such a case, the approval authority may waive such standard. Violation or failure to comply with any such standards shall constitute a violation of this article.

A. Architectural.

1. All mechanical equipment, including gas meters and transformers, shall be screened from public view. Screening materials shall consist of landscaped shrubbery or fencing.

2. The color of all material used for rain gutters, flashing, and similar purposes shall be consistent with that of immediately surrounding building materials.

3. All trash dumpsters shall be screened from public view.

4. Where required by law, plans for new structures shall be subject to review by the county of San Mateo Airport Land Use Commission. Said structures shall be required to conform to all applicable standards, conditions, and specifications of said commission prior to the issuance of any city permit.

5. Plans for new industrial and commercial structures will be subject to review by the crime prevention officer of the city for security provisions.

6. All special conditions of approval imposed by the architectural review committee or planning commission on appeal shall be complied with prior to the issuance of any permit by the city, unless specifically provided otherwise in such condition.

7. Each street address shall be delineated on the building or dwelling unit with numbers of adequate size as determined by the fire marshal of the city.

B. Landscape.

1. The minimum percentage of the gross land area of the building site or lot which shall be landscaped shall be as follows:

a. C-N, C-1, C-2 and M districts;

(i) Service stations and drive-in establishments: ten percent,

(ii) All other uses: seven and one-half percent;

b. C-B-D: five percent;

c. All other districts: fifteen percent.

2. A minimum of six inches of concrete curb shall be installed around all landscape areas adjacent to paved driveway and parking surfaces.

3. The applicant and property owner shall execute an agreement for maintenance of landscaping with the city prior to the issuance of any city permit.

4. There shall be continuous (solid) ground cover in all landscape areas.

5. An irrigation system shall be provided for all landscape areas.

C. Bond.

1. When a new use of a lot to be undertaken in a new building or structure has been approved, and there exist one or more uses on such lot whose removal is contemplated due to such approval, the applicant shall file with the planning director, prior to issuance of the building permit for the new building or structure, a faithful performance bond executed by a corporate surety authorized to do business in California, guaranteeing removal of existing building or structure within sixty days of completion of the new building or structure. The amount of said bond shall be approved by the planning director as to sufficiency to accomplish the removal. Said bond shall be approved as to form by the city attorney.

2. Prior to authorization of the temporary occupancy of any new building or structure before its completion, the completion of landscaping or required off street parking on the site, or the completion of any physical development of the site constituting a component of project approval, the applicant shall file with the planning director a

faithful performance bond executed by a corporate surety authorized to do business in California, guaranteeing completion of the existing building or structure within sixty days of the completion of the new building or structure. The amount of said bond shall be approved by the planning director as to its sufficiency to guarantee completion of the required work. Said bond shall be approved by the city attorney.

D. Recycling Provisions.

1. Regulations Applying to Recycling Plan Requirement for Single-Family and Two-Family Residential Developments.

a. Applicants for new construction or for addition to existing single-family or two-family units shall designate on the floor plans an interior space of three cubic feet per dwelling unit for the purposes of storing recyclable materials. Such space shall be located with reasonable accessibility to the exterior for convenient transportation of the recyclables for curbside pick-up. Designated interior storage space for recyclables shall not intrude into required space for off-street parking.

b. Such designated collection and storage areas shall provide separate bins for recyclable glass, metal cans, and newsprint, as well as the garbage container (thirty-gallon/sixty-gallon/ninety-gallon) for commingled non-recyclable solid waste, with all such containers being provided by the garbage company.

2. Regulations Applying to Recycling Plan Requirement for Multi-Family Residential Developments.

a. Developers/owners of new multiple-family residential developments, or developers of existing multiple-family residential developments who propose substantial additions, shall designate on the floor plans an interior space equivalent to three cubic feet per dwelling unit for the purposes of storing recyclable materials. Such interior storage space may be located on each floor of a building or in sections of the building, but in all cases shall be located within reasonable access of each unit within the development.

b. The developer/owner of the property shall provide a common collection and storage area for the pick-up and removal of recyclables from the complex, and shall designate such collection area on a site plan. Such common collection and storage area shall be constructed in such a manner so as to prevent litter, shall not occupy or intrude into any required off-street parking space, shall be placed in locations to accommodate vehicles collecting materials without damaging the buildings or pavement, shall be located to minimize negative impacts on the residents, and shall be constructed to be architecturally compatible with the residential structure(s), or shall be screened or landscaped to blend in with the residential development.

c. Such designated collection and storage areas shall provide separate bins for recyclable glass, metal cans, and newsprint, as well as the garbage container (thirty-gallon/sixty-gallon/ninety-gallon) for commingled non-recyclable solid waste.

3. Regulations Applying to Recycling Plan Requirement for Non-Residential Developments.

a. Developers/owners of new non-residential developments, or developers/owners of existing non-residential developments who propose any addition, remodeling, change of use or ownership shall provide a collection and storage area for the pick-up and removal of recyclables from the development, and shall designate such collection area on a site plan. In the case of tenants sharing a common development, such storage and collection facility may be designed to accommodate the needs of the entire complex. Such common collection and storage area shall be constructed in such a manner so as to prevent litter, shall not occupy or intrude into any required off-street parking space, shall be placed in locations to accommodate vehicles collecting materials without damaging buildings or pavement, shall be located to minimize negative impacts on any adjacent residents, and shall be constructed to be architecturally compatible with the building(s), or shall be screened or landscaped to blend in with the development.

b. Such designated collection and storage areas shall be designed to accommodate the specific waste generation characteristics, including recyclable materials and commingled non-recyclable solid waste, of the non-residential development according to a recycling plan provided by the developer/owner and subject to the approval of the director of planning and building.

c. Each recycling plan required above shall contain the following elements:

System Planning

1. Identification of materials to be recycled;
2. Method of transport from interior work stations to final collection area;
3. Collection frequency of recycling service provider;
4. Information policy for tenants/occupants; and
5. Point of contact/recycling project coordinator.

Space Planning

1. Floor plan designating work stations, as applicable;
2. Floor plan designating temporary internal collection areas, as applicable;
3. Site plan designating final exterior collection area.

Space Allocation

1. Amounts in cubic yards of materials that will be generated;
2. Amount of storage area required for each designated material to be recycled in addition to commingled non-recyclable solid waste.

4. Additional Conditions, Waiver or Amendment of Standards. The San Bruno planning commission, or where appropriate or upon appeal, the San Bruno city council may impose additional standards, conditions or requirements to secure additional recycling, or to waive or amend the existing performance standards for recycling, either upon written request of the applicant, or upon any discretionary permit before either the planning commission or the city council. (Ord. 1524 § 1, 1991; Ord. 1410 § 1 (part), 1982: prior code § 27-4.18)

12.84.190 Certificate of use conformance.

A. No use for which a business license is required shall be commenced in any district unless and until the planning director shall have issued a certificate of use compliance, indicating that either:

1. The proposed use is a permitted use in the district; or

2. The commission has made a finding that the proposed use is similar in nature, function, or operation to one or more uses specifically permitted in this article; or

3. The use is a conditional use, and the commission has granted a conditional use permit therefor.

B. An application for a certificate of conformance shall be filed by the proposed user with the planning director. Where the user is not the owner of the property, the application shall contain the written consent of the property owner or his or her authorized agent. The application shall be accompanied by a fee in an amount established by resolution of the city council. The application shall indicate the following information:

1. The name and address of the owner;

2. The name and address of the tenant, occupant, or lessee;

3. The street address and county assessor's parcel number of the lot on which the proposed business is to be conducted;

4. The specific nature of such business, with sufficient detail to enable the director to make one of the findings set forth in this section;

5. The proposed hours of the day and days of the week when the business will be open to the public.

If the commission has made a finding or has granted a conditional use permit with respect to such use, the application shall indicate the date and nature of the action taken.

C. If the planning director determines that either:

1. The proposed use is a permitted use in the district; or

2. The commission has made a finding that the proposed use is similar in nature, function, or operation to one or more uses specifically permitted in this article; or

3. The use is a conditional use, and the commission has granted a conditional use permit therefor, he or she shall issue the applicant a certificate of use conformance for the proposed use, indicating that such use conforms to the use regulations of the zoning ordinance at the proposed location.

D. If a business within the district involves the storage of goods, wares, or merchandise on the premises, and the hours during which the business is open to the public is, on a regular basis, less than one-half of the number of hours per week indicated in the application for the certificate of use conformance, or substantially less than the normal and customary number of hours per week that a business of the same nature is open to the public, such fact shall constitute evidence that the business is, in fact, primarily a storage facility or is a warehouse. (Ord. 1410 § 1 (part), 1982: prior code § 27-4.19)

12.84.200 Large family day care homes.

A. No large family day care home shall be commenced unless a use permit shall have been issued therefor in accordance with this section.

B. Large family day care homes shall meet the following location standards:

1. Location within a residential district.

2. If the proposed facility is to be conducted within a single family residence, prior to issuance of a use permit the planning commission shall find that the proposed facility will not result in undue negative impacts upon the neighboring vicinity. Factors to be considered in making this determination shall include traffic, parking, noise and the spacing and concentration of similar facilities within the vicinity of the proposed facility. The planning commission may impose reasonable conditions in order to mitigate potential undue negative impacts.

C. An application for a use permit for a large family day care home shall be made by the owners of the property, lessee, purchaser in escrow, or optionee with the consent of the owners on a form prescribed by the city and shall be filed with the planning director. The application shall be accompanied by a required fee.

D. The application shall also be accompanied by the following:

1. A physical floor plan of the building in which the large family day care home is proposed to be located.

2. A site plan.

3. A designation of the hours of the day and days of the week during which the large family day care home is proposed to be operated.

4. A designation of the location at which the operator and any employees of the home will park their vehicles, if any, while day care services are being provided.

5. A designation of the portion of the premises to be used by the children for whom care will be provided at the home.

6. A designation of the location of fire extinguishers.

7. A designation of the location of the restroom facilities.

8. A designation of the location of smoke detectors.

E. The planning director shall refer the application to the building inspector and the fire marshal, who shall cause the premises to be inspected for compliance with this code, Section 1597.46 of the Health and Safety Code, and regulations adopted by the State Fire Marshal pursuant to such section.

F. After the inspection shall have been completed, not less than ten days prior to the date on which the decision will be made on the application, the planning director shall give written notice of the proposed use by mail or delivery to all property owners shown on the last equalized assessment roll as owning real property within one hundred feet of

the exterior boundaries of the proposed large family day care home.

G. The commission shall have the responsibility of making decisions as to whether to approve applications for large family day care homes. No hearing on the application for a permit shall be held before a decision is made unless a hearing is requested by the applicant or other affected person.

H. The commission shall grant the use permit if it makes the following findings:

1. The proposed facility meets the locational standards of subsection B.

2. The operator of the facility will provide an area on the lot for parking or stopping of vehicles to allow children to be picked up or dropped off within thirty minutes before and after the hours of the day when day care will be provided.

3. The proposed facility complies with applicable off-street parking standards of the zoning ordinance.

4. The proposed facility complies with applicable building and fire code provisions, and with the applicable building standards adopted by the State Fire Marshal.

I. The applicant or other affected person may appeal the decision of the commission pursuant to Chapter 12.140. (Ord. 1569 § 3, 1996; Ord. 1433 § 1 (part), 1984)

12.84.210 Drinking places, and land uses with alcoholic beverage sales.

A. No application for a retail license for the on-site sale and consumption of alcoholic beverages shall be approved by the city of San Bruno without first securing a use permit through the San Bruno planning commission under Section 12.112 of the San Bruno zoning ordinance, except as exempted within the municipal code for liquor stores, private clubs and lodges, and special events (public and private).

B. Neither the San Bruno planning commission, nor the San Bruno city council upon appeal, shall approve a use permit for a drinking place or other applicable land use with alcoholic beverage sales unless the activity or use conforms to all of the following performance standards:

1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area;

2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests;

3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute;

4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

5. The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the city of San Bruno for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an "Undue Concentration" of licenses, required due to either of the following conditions:

a. The applicant premises are located in a crime reporting district that has a twenty percent greater number of reported crimes in a geographical area within the boundaries of the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno police department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests.

b. The applicant premises are located in an area of undue concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County.

C. In addition, the planning commission or city council, upon appeal, may impose such conditions as it deems necessary to secure the purposes of this section, including conditions with respect to location of the use or activity, construction, maintenance, operation, site planning, traffic control and time limits for the use permit for the protection of adjacent properties and the public interest. The commission or council may require tangible guarantees or evidence that such conditions are being, or will be, complied with. (Ord. 1685 § 1.3, 2003)

Chapter 12.88

CONDOMINIUMS

Sections:

12.88.010 Purpose.

The city council finds and determines that condominiums, community apartments, and stock cooperatives differ from apartments in numerous respects, and that, for the benefit of public health, safety, and welfare, such projects should be treated differently from apartments. The city council, therefore, states its expressed intent to treat such projects differently from apartments and like structures for the protection of the community and the purchasers of condominiums, community apartments, and stock cooperatives. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.1)

12.88.020 Permits—Conversions and new construction projects.

A. Before final approval and issuance of any building permit for any condominium, community apartments, or stock cooperative project, and before the conversion of any existing structure to condominiums, community apartments, or stock cooperatives, the developer, builder, or other person seeking to construct the project or convert the existing structure shall first apply to the department of planning and building and obtain from the planning commission a use permit for new construction, or conversion, as the case may be.

B. Such permit shall be issued only:

1. Upon the approval of the planning commission, or the city council, on appeal, after it has been determined that such project or existing structures conforms to the general plan, all applicable zoning regulations, and, in the case of the conversions, to all the other city requirements; and

2. Upon the issuance of a business license by the director of finance of the city based upon the payment of the prescribed condominium, community apartments, or stock cooperative tax.

C. Use permits shall be evaluated and processed pursuant to Chapter 12.112. No use permit for a conversion or for a new construction shall be granted unless the planning commission, or the city council on appeal, finds that the granting of the application will not under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of the persons residing or working in the neighborhoods of the proposed project or conversion, or be injurious or detrimental

to property and improvements in the neighborhood or to the general welfare of the city. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.2)

12.88.030 Limitations—Conversions and new construction projects.

A. The planning director shall analyze and report to the planning commission, or on appeal to the city council, on the number of multiple family dwelling units in the city which would result from the approval of the project and the sale of units or interests pursuant to such approval, and the number of such units which would be rental units.

B. In preparing such analysis, the director shall consider the following:

1. The number of multiple family dwelling units in the city as stated in the housing element of the general plan;

2. The number of such units which have been constructed or approved for construction in addition thereto;

3. The number of such units which have been eliminated, whether due to destruction, demolition, combination with other units, or otherwise;

4. The number of such units within projects approved or authorized as condominiums, stock cooperatives, or community apartments, whether conversions of existing structures or construction of new structures.

Units described in subdivision 4 of this subsection shall not be deemed to be rental units for purposes of the analysis by the director.

C. No use permit shall be granted if the sale of units or transfers of interests granting rights of occupancy therein authorized by such project would result in a number of multiple family rental units in the city which would be less than the minimum established as a goal or policy in the housing element of the general plan. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.3)

12.88.040 Notice of public hearing—Transmittal of staff reports to tenants—Conversion projects.

A. In addition to the notices otherwise required, the planning director or the city clerk shall mail, postage prepaid, to each tenant of the proposed project, a notice of the time, place, and purpose of a public hearing to be held by the planning commission or city council relating to the application for a conversion permit.

B. Such notice shall be mailed at least ten days prior to the hearing to which it relates.

C. When an application for a use permit for a conversion, or appeal thereof is scheduled for public hearing before the city council or planning commission, the planning director or city clerk shall also cause to be mailed to each tenant, postage prepaid, a copy of the planning department staff report regarding the conversion application. The director and the city clerk shall require the applicant to bear the cost of distribution of such report to the tenants.

D. The failure of the director or city clerk to mail any notice or the failure of any tenant to receive the same shall not affect the validity of any proceeding, action, or decision of the planning commission or city council, nor prevent any such body from proceeding with any hearing or the taking of any action at the time and place set therefor. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.4)

12.88.050 Initiated projects—Effects.

Any condominium, community apartment, or stock cooperative project, regardless of whenever initiated, for which a building permit has been issued shall not be exempt from the requirements of obtaining a use permit and a license merely because such building permit has been issued. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.5)

12.88.060 Community apartments and stock cooperatives.

Community apartments and stock cooperatives, and conversions thereto, shall be subject to the same restrictions, conditions, and requirements, as

condominiums or conversions to condominiums. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.6)

12.88.070 Scope of review of project.

No project or portion thereof shall be approved or conditionally approved in whole or in part unless the planning commission, or city council on appeal, has reviewed the effect of the project on sound community planning, the economic, ecological, social, and aesthetic qualities of the community, and on public health, safety and general welfare, including the overall impact on schools, parks, utilities, neighborhoods, streets, traffic, parking, housing, and other community facilities and resources. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.7)

12.88.080 Discrimination.

It is unlawful for any person in the sale or offering for sale of any unit, share, or membership entitlement in any condominium, community apartments, or stock cooperative, to discriminate against any other person because of marital status, age, sex, or the existence of dependent children of such other person who may be potential occupants of any dwelling unit within a project. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.8)

12.88.090 Nonresidential projects.

Except as provided in this section, the provisions of this chapter do not apply to condominium, community apartment or stock cooperative projects as to real property which is not used or proposed to be used for residential purposes. Such nonresidential projects shall be subject to Chapter 12.112 and shall be subject to the provisions of Article II of this title, pertaining to subdivisions. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.9)

12.88.100 Application for use permit—All projects.

All projects shall include the following information and documents with the application for a use permit:

A. A statement regarding current ownership of all improvements and underlying land;

B. A statement as to whether the applicant will provide any capital contribution to the homeowners' association for deferred maintenance on the common areas, and if so, the sum and date on which the association will receive said sum;

C. Proposed organizational documents providing for conveyance of units and assignment of parking and management of common areas within the project;

D. All proposed storage areas located within the project;

E. A detailed development plan for the project, including the location, treatment and sizes of the structures, parking layout, access areas, and exterior elevations;

F. A detailed landscaping plan, indicating types and sizes of landscaping materials where the project includes new construction;

G. A detailed lighting plan indicating location and nature of lighting and lighting fixtures in common areas where the project includes new construction;

H. Provisions for the dedication of land in easements for street widening, public access, or other public purposes, where necessary, and in accordance with established planned improvements. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.10)

12.88.110 Minimum requirements.

Except as otherwise required by law, in approving a project the following shall be required:

A. Minimum Parking Requirements.

1. New Construction Projects. As provided in Chapter 12.100 for condominium dwelling units.

2. Conversion Projects. As provided in Chapter 12.100 for multiple dwellings.

The project shall meet the minimum parking requirements for the applicable zoning district.

B. Access. All private streets, driveways and parking areas shall be improved and constructed with a structural design section in accordance with the standard specifications of the public works department of the city. They shall be designed and

maintained to insure access for municipal services to any dwelling unit therein.

C. Meter and Control Valves. The individual consumption of gas and electricity, if provided within each unit, shall be separately metered so each unit owner can be separately billed for each utility. A water shutoff valve shall be provided for each unit or for each plumbing fixture. Individual water meters may be required by the planning commission, or by the city council on appeal.

D. Over-current Protection. Each unit shall have its own panel board for all electrical circuits which serve it.

E. Impact Sound Insulation. Wall and floor ceiling assemblies shall conform to the sound insulation performance criteria promulgated in applicable sections of the California Administrative Code, and may only be replaced by another wall or floor ceiling assembly which provides the same or greater insulation. The city building inspector may require a sound performance test by the applicant.

F. Twenty-four-hour Management.

1. Projects with fifty-one or more units shall maintain a full time on-site management service with duties outlined in the organizational document.

2. Projects with fifty or less units which do not provide a full time on-site management service shall provide an on-site contact and secondary telephone number.

G. Fire Alarm and Cable Television Service. Access shall be provided within each building by the applicant to allow connections for fire alarm service and individual cable television service.

H. Warranty on Appliances. The applicant shall provide an all cost warranty for all unit appliances for a period of one year from the sale of each unit. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.11)

12.88.120 Projects damaged or destroyed.

Projects damaged or destroyed by fire, explosion, earthquake, or other acts, may be reconstructed in accordance with codes in effect at the time of such reconstruction and regulations of the district in which the project is located. Approval may be subject to dedication of land or establishment of easements for street widening or other public purposes. Such building or buildings may be restored to a total floor area not exceeding that of the former building or buildings, if a use permit is first secured. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.12)

12.88.130 Exception for conversions.

No conversion project shall be denied for inability to provide the necessary recreational area or areas. Other amenities or fees in lieu of such facilities may be substituted. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.13)

12.88.140 Conversion—General.

The city council finds and determines that the conversion of apartments to condominiums, community apartments, and stock cooperatives present unique problems to the present tenants and future purchasers of units. Therefore, in addition to the foregoing requirements of this chapter, the provisions of Sections 12.88.150 through 12.88.240, inclusive, shall be applicable to all conversion projects. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.14)

12.88.150 Contents of use permit application.

The application for a use permit for a conversion project shall include, in addition to the requirements imposed elsewhere, the following information:

A. Original building plans, landscaping plans, and other plans showing the locations of all buildings and structure, utility facilities, and landscaping;

B. A tenant subdivision map in accordance with Article II of this title;

C. A building history report, including the following:

1. The date of construction of all elements of the project,

2. A statement of the major uses of said project since construction,

3. The date and description of each major repair or renovation of any element since the date of construction,

4. The name and address of each present tenant of the project.

Failure to provide information required by subdivisions 1 through 4 of this subsection shall be accompanied by an affidavit or declaration setting forth in detail all efforts undertaken to discover such information and reasons said information cannot be obtained;

D. A property report describing the condition and estimating the useful life of each of the following elements of each structure within the project:

1. Foundations,
2. Structural elements,
3. Roofs,
4. Drainage systems,
5. Exterior siding and finishes,
6. Paved surfaces,
7. Mechanical systems,
8. Electrical systems,
9. Plumbing systems, including sewer systems,
10. Landscaping,
11. Sprinkler systems for landscaping,
12. Utility delivery systems,
13. Central or community heating and air-conditioning systems,
14. Fire protection systems, including any automatic sprinkler systems,
15. Alarm systems,
16. Smoke detectors,
17. Standpipe systems.

Such report shall be presented by a licensed engineer. In addition, a statement of the condition of all appliances in each unit shall be submitted;

E. A structural pest control report prepared by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code;

F. A summary of average rents for each bedroom type of rental unit, and a detailed unit history containing the following information:

1. Location of unit,
2. Number of rooms,
3. Size of unit in square feet,
4. Rental rate during two years preceding the date of submittal of the application, indicating dates of rental rate increases,
5. Duration of occupancy of present tenants;

G. A housing and tenant relocation report. Such report shall be prepared by a qualified consultant. At the discretion of the planning director, the consultant shall be selected either by the director or the applicant. The cost of the report shall be borne by the applicant. The report shall contain the following information:

1. The number of multiple dwelling rental units which will remain in the city after the conversion,
2. The nature and type of relocation assistance proposed by the applicant, including financial assistance and the provision of alternative housing facilities, including relocation programs,
3. Vacancy information in rental units and the availability thereof:
   a. Within San Mateo County in general; and
   b. Within northern San Mateo County in particular, including territory within the cities of Daly City, Pacifica, South San Francisco, Brisbane, Colma, San Bruno, Millbrae, and Burlingame, and the adjacent unincorporated territory,
4. The proposed schedule of meetings which the applicant plans or proposes to hold with tenants to explain the application and its ramifications to the tenants,
5. The proposed phasing or timing schedule of conversion and sale of units,
6. Whether existing tenants will be given any discount from otherwise applicable sale prices,
7. Any plan for temporary displacement of tenants who purchase units,
8. A description of the demographic composition of the tenants, including information on age, persons per unit, persons over age sixty-two, number of permanently disabled persons, and tenure per unit.

It is not required by law that the report contain the estimated sales price of units, since the subject

of sales prices is controlled by state law. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.15)

12.88.160 Property inspection and compliance.

Prior to the conveyance of any unit, the premises shall be inspected by a licensed civil engineer to ascertain that the structures are consistent with the public health and safety. Such inspection shall be performed at the expense of the applicant. Hazardous and unsafe conditions shall be alleviated and repaired prior to the conveyance of any unit, regardless of whether the condition may have complied with the provisions of this code at the time of original construction. The project must meet, at a minimum, the standards of this code as were in effect as of the date of construction of the structure within the project. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.16)

12.88.170 City code requirements.

The planning commission, or the city council on appeal, may require the conversion project to comply with the requirements of this code in effect at the time of filing of the application for conversion. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.17)

12.88.180 Preemptive rights.

The applicant shall provide each tenant, pursuant to Section 66527.1(d) of the Business and Professions Code, who was not in default under the term of the lease or rental agreement at the time of the submittal of the application, an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will initially be offered to the general public or on terms more favorable to the tenant. The right shall run for a period of not less than ninety days from the date of issuance of the subdivision public report pursuant to Section 11018.1 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise this right. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.18)

12.88.190 Nonpurchasing tenant.

The applicant shall provide the following assistance to tenants who are entitled to the right set forth in Section 12.88.180 but do not elect to purchase their unit:

A. Relocation assistance by an agency, provided by the applicant, to find comparable housing in the same area;

B. A monetary relocation assistance equal to a minimum of four months rental, apportioned among the number of tenants in each unit. In addition, all security and cleaning deposits shall be refunded. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.19)

12.88.200 Permanently disabled and senior citizen tenants.

A. The applicant shall provide a five-year right of occupancy to tenants who are permanently disabled or senior citizens if such tenants occupied their units at the time of submittal of the application for the conversion and continued to occupy the units when all necessary city and state approvals for the project have been obtained. The right of occupancy shall continue only for so long as the tenants are able to reside on the premises during such five-year period.

B. No applicant shall cause the eviction of a permanently disabled or senior citizen tenant to avoid granting such person the right of occupancy provided herein. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.20)

12.88.210 Rental increase.

A. No increase in rent to persons who were tenants at the time of submittal of the application to the planning department shall take effect for the period between the date of filing of the application and the first of the following dates:

1. The date of expiration of the use permit without extension;

2. The date the use permit is revoked;

3. The date the issuance of a subdivision public report pursuant to Section 11018.1 of the Business and Professions Code. This section shall

not preclude a specific increase in rent which was scheduled to occur pursuant to a lease or rental agreement executed prior to the date of filing of the application.

B. The rent to permanently disabled and senior citizens entitled to the right of occupancy pursuant to Section 12.88.200 shall not be increased for such occupancy period beyond the rate permitted in subsection D of this section.

C. The rent to persons who were tenants at the time of submittal of the application and continued to occupy their units when all necessary city and state approvals for the project were obtained, and to whom subsection B of this section does not apply, shall not be increased beyond the rate permitted in subsection D of this section for a period of two years after approval of the project by the city, or until not less than eighty percent of the units have been sold, whichever first occurs.

D. The rate of rental increase permitted under subsections B and C of this section shall be the ratio of the residential rent component of the "Bay Area Consumer Price Index, Department of Labor" on the effective date of the proposed rent increase, to such component on the date of submittal of the application to the department of planning and building.

E. In the event of a proposed increase in the rent, the applicant shall submit to the planning director a statement describing the proposed increase and its relation to the rental rate at the time of filing the application for conversion and the relation of the proposed increase to the residential rate component of the Bay Area consumer price index. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.21)

12.88.220 Conversion schedule.

A. For any project involving more than twenty units, the planning commission, or the city council on appeal, may require that the sale of condominium, stock cooperative, or community apartment units or interests be phased or limited to a specified number of units or interests within the specified time periods. Such phasing or timing shall be based upon the ability of the applicant to implement tenant relocation programs, as specified in the housing and tenant relocation impact report, and shall consider phasing proposals or programs proposed by the applicant.

B. No phasing or timing program shall require the sale of any unit or interest to be deferred more than two years from the date of approval of the application. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.22)

12.88.230 Notification to tenants regarding conversion.

All tenants in a project for which an application for conversion has been submitted to the department of planning and building shall be given an opportunity to make their opinion known regarding whether they are in favor of or opposed to the conversion. The planning director, in addition to the notices that are required by Section 12.88.040, not later than thirty days prior to any public hearing on such conversion before the planning commission, shall mail to each tenant a postage prepaid letter and return card so that each tenant may express support or opposition to the conversion. Said letter and return postcards shall be supplied and addressed by the applicant and approved as to form and content by the planning director. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.23)

12.88.240 Factors to be considered in review of condominium projects.

In determining whether to approve conversion projects the commission and the city council, on appeal, shall consider the impact of potential construction of new multiple family dwelling units (whether rental, condominiums, stock cooperative, or community apartment), as well as the impact of the project itself, on the goal of the housing element of the general plan in maintaining a certain portion of the multiple housing stock in rentals. (Ord. 1410 § 1 (part), 1982: prior code § 27-5.24)

Chapter 12.92

NONCONFORMING LOTS, STRUCTURES AND USES

Sections:

12.92.010 Intent and applicability.

A. Intent. The purpose of this chapter is to provide for lots, uses and structures which are, or become, nonconforming with the standards of this code, to specify the conditions under which nonconformities may continue, and to regulate this expansion.

B. Applicability. The provisions of this chapter shall apply to all lots, uses and structures which do not meet the standards of the current zoning regulations and, as such, are nonconforming. The lawful use of a building, structure, or land refers to any use conforming to the zoning regulations of the city which were in force when such use was commenced.

C. Buildings and Uses in Violation of Other Zoning Laws. The provisions of this chapter shall not apply to any use or structures established in violation of any zoning regulation previously in effect, whether in the city, the county or such other governmental agency having the jurisdiction to enact and enforce zoning laws. (Ord. 1410 § 1 (part), 1982: prior code § 27-6.1)

12.92.020 Continuance of nonconformities.

The lawful use of land or structures which existed on January 13, 1962 may continue, although such use does not conform to the regulations specified for the district in which the use is located. The following shall apply:

A. Nonconforming Uses of Land. All uses which are not listed as permitted in the district in which such use is being conducted and all uses which, if presently initiated, would require a conditional use permit but which do not have such a use permit in force, shall be deemed nonconforming uses. Such uses shall be deemed lawful nonconforming uses if they comply with all laws in existence at the time the use commenced, and the following provisions apply:

1. No nonconforming use shall be expanded.

2. No nonconforming use may be changed to a different nonconforming use.

3. If a nonconforming use is discontinued for a period of six months, such nonconforming use shall not be reestablished. However, if cessation of the building, use, or operations within are caused by circumstances over which the owner has no fault or control (such as the default or bankruptcy of a tenant, injunctive order of a court, or other effective litigation), the time limits of this section may be extended. Applications for such extensions shall be made to the commission in writing before the expiration of the six-month period.

B. Nonconforming Uses of Conforming Structures.

1. The lawful nonconforming use of a conforming structure may be continued when such use does not conform to the regulations set forth in the current zoning district in which the structure is located.

2. A nonconforming use may not be extended to occupy a greater area within any conforming structure than the area currently occupied.

3. The nonconforming use of a conforming structure may be changed to a use of a similar or more conforming nature, provided a conditional use permit shall first be obtained.

4. If such nonconforming use ceases for a continuous period of six months, the subsequent use of such conforming structures shall be in conformity with the zoning regulations and general plan designations for the district in which said building is located.

5. A nonconforming use damaged by fire, flood, earthquake, or other disaster, to an extent of more than fifty percent of the value of the building, may be restored subject to obtaining a use permit. The monetary extent of the damage shall be determined by a certified real estate appraiser hired by the property owner and approved by the planning director. Where the damage, as described above, to a building or structure housing a nonconforming use does not exceed fifty percent, such building or structure may be restored to a total floor area not exceeding that of the former building or structure, and the nonconforming use may be reestablished.

C. Nonconforming Structures. All structures, including, but not limited to, main buildings, accessory buildings, walls, fences, which do not meet the setback standards set forth in the development regulations for the district within which the structure is located, or for which the number of parking spaces provided is less than required, and any residential structure in a commercial or industrial district shall be deemed nonconforming but lawful, and the following provisions shall apply:

1. No physical change, enlargement, extension or remodeling which increases the extent of nonconformity shall be made without first securing a conditional use permit.

2. A physical change, enlargement, or extension or remodeling that does not increase the nonconformity may be made, as with a conforming structure, by securing the required building permits. The decision that the structural alteration will (or will not) increase the nonconformity shall be made in the plan check process by the planning director or his or her designee, with no additional fee. Decisions may be appealed to the commission at no charge.

3. A nonconforming structure, damaged by fire, explosion, flood, earthquake or other act, to an extent of more than fifty percent of the market value as determined by a certified real estate appraiser hired by the property owner and approved by the planning director, may be restored subject to obtaining a use permit.

4. Where the damage, as described in subsection (C)(3), to a nonconforming structure does not extend fifty percent, such building may be restored to a total floor area not exceeding that of a former structure. (Ord. 1410 § 1 (part), 1982: prior code § 27-6.2)

12.92.030 Excess housekeeping units in residential districts.

A. Excess Housekeeping Units Deemed to be Nonconforming Uses.

1. A single excess housekeeping unit on a residential lot shall be deemed to be a legal nonconforming use of a building or structure under the following conditions and subject to the limitations of this section:

a. The unit was built, constructed, or added prior to June 30, 1977;

b. The unit is in compliance with the provisions of this code, other than zoning regulations, which were in force when the unit was built, constructed, or added;

c. The unit does not constitute a public nuisance, as defined in Title 5 of this code.

2. In any action, proceeding or determination as to whether a unit was built, constructed, or added prior to June 30, 1977, the burden of proof shall be upon the property owner, occupant or other persons asserting the legal nonconforming status of the unit.

3. The owner or occupant of any excess housekeeping unit, or the authorized agent of such person, may apply to the planning director for a written determination as to whether such unit constitutes a legal nonconforming use under subsection (A)(1). The applicant shall pay an application fee as prescribed by resolution of the city council and shall provide the director with such information as the director may require. If the director determines that the unit constitutes a legal nonconforming use, he or she shall so advise the applicant in writing and shall maintain a copy of such written determination within the records of the department of planning and building. The determination of the director shall be subject to appeal to the planning

commission by the filing of a written notice of appeal and paying the required fee within seven days after the date of determination.

B. Alterations or Modifications of Excess Housekeeping Unit. Ordinary maintenance and repairs may be made to excess housekeeping units. Structural alterations shall be permitted only if they do not increase the floor area of the unit.

C. Excess Housekeeping Units Otherwise Prohibited.

1. Except as permitted in this section, the alteration or maintenance of any existing excess housekeeping unit is a violation of this article.

2. Not more than one excess housekeeping unit shall be permitted on any residential lot under any circumstances.

3. The setting up, construction, or conversion of any housekeeping unit or of any dwelling or portion thereof as an excess housekeeping unit is in violation of this article.

D. Basis of Restrictions and Limitations. The foregoing restrictions and limitations upon establishment of additional excess housekeeping units are based upon the following findings:

1. In adopting this section, the city has done much to promote the full use of housing facilities within existing buildings and structures.

2. Many of the streets within residential districts in the city are narrow and do not conform to present street width standards. As a result, parking and traffic circulation are congested, and the addition of second residential units in these areas would exacerbate the condition.

3. Many of the residential parcels in the city are two thousand five hundred square feet in size and do not meet minimum lot size standards. Many of the parcels were developed without required garages or with minimal garage space, and do not comply with existing off-street parking requirements. These are often inadequate to provide adequate parking for their occupants, and result in further congestion of the streets. The addition of second residential units in these areas would only worsen this congestion.

4. The existing sanitary sewer system is over capacity and cannot handle sewage from additional dwelling units which might result from the authorization of second residential units on single family lots.

5. The existing city water system is not of sufficient size to handle such additional dwelling units.

6. It would be detrimental to the public safety and welfare of the community if additional second units were allowed beyond those authorized by existing ordinance.

It is hereby acknowledged that the provisions of this paragraph may limit housing opportunities of the region. (Ord. 1421 § 1, 1983; Ord. 1410 § 1 (part), 1982: prior code § 27-6.3)

12.92.031 Second dwelling units.

A. Purpose. The purpose of this article is to comply with amendments made in 2002 to California Government Code Section 65852.2 which provides for cities to set standards for the development of second dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with existing neighborhoods.

B. Definitions.

1. Second dwelling unit: any residential dwelling unit that provides complete independent living facilities on the same parcel as a legal single family residence and including, but not limited to, the permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling unit also includes efficiency units and manufactured homes. A second dwelling unit may be considered a residential use that is consistent with the existing general plan and zoning designation for the lot. Second dwelling units are not "accessory uses" as defined in Section 12.80.015 nor are they "excess housekeeping units" as defined in Section 12.92.030 of the San Bruno zoning ordinance. A second dwelling unit is a small but separate, complete housekeeping unit with kitchen, sleeping, and full bathroom facilities, which is part of, an exten-

sion to, or on the same lot as a detached single-family dwelling.

a. Efficiency unit: a separate living space with a minimum floor area of one hundred fifty square feet and a maximum of six hundred forty square feet containing partial kitchen and bathroom facilities and intended for occupancy by no more than two persons.

b. Manufactured home: a transportable structure which in the traveling mode is eight feet or more in width and forty feet or more in length and is a minimum of three hundred twenty square feet and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation. Maximum allowable size is six hundred forty square feet.

2. Neighborhood: an area commonly identified as such in planning documents and among individuals who reside and work within close proximity.

C. Location.

1. One second dwelling unit may be located on any buildable lot whose zoning permits residential units and which is either undeveloped or contains only a legal single-family detached dwelling.

2. Second dwelling units are not required to meet the density requirements of the general plan.

3. No second dwelling unit may be approved if located on, or adjacent to, real property that is listed in the California Register of Historic Places.

4. No second dwelling unit shall be approved if located on a lot with an excess housekeeping unit.

5. Any second dwelling unit located in the 65 CNEL area must be designed to Aircraft Noise Insulation Program standards.

6. Any second dwelling unit located in an earthquake special studies zone must have a geotechnical survey performed and the unit must be designed according to the appropriate seismic building codes.

D. Permitting Procedures. No person shall construct a second dwelling unit without a second dwelling unit permit.

As required by state law, any application for a second dwelling unit that meets the location and development standards contained in subsections (C) and (F) of this section as well as Chapters 12.96 and 12.200 shall be approved ministerially without discretionary review or public hearing.

E. Submittal Requirements and Application Processing.

1. Step one: Submittal. The application package for a second dwelling unit permit shall be submitted to the Department of Community Development concurrent with the submittal of an application for building permit. The planning division application fee for a second dwelling unit shall be the same as the fee for a residential conditional use permit or as otherwise established in the San Bruno Master Fee Schedule. Applicants shall comply with building codes and obtain all associated permits. In addition to the standard submittal requirements for a building permit, the second dwelling unit application package shall include:

a. Plot plan (drawn to scale): Dimension the perimeter of parcel on which the second dwelling will be located. Indicate the location and dimensioned setbacks of all existing and proposed structures on the project site and structures located within fifty feet of the project site. All easements, building envelopes, and special requirements of the subdivision as shown on the final map and improvement plans shall be included. Provide average slope calculations for the project site.

b. Floor plans: Each room shall be dimensioned and the resulting floor area calculation included. The use of each room shall be identified. The size and location of all windows and doors shall be clearly depicted.

c. Elevations: north, south, east and west elevations which show all openings, exterior finishes, original and finish grades, stepped footing outline, roof pitch, materials and color board for the existing residence and the proposed second dwelling unit.

d. Cross section: Provide building cross sections including, but not limited to: structural wall elements, roof, foundation, fireplace and any other

sections necessary to illustrate earth-to-wood clearances and floor to ceiling heights.

e. Photographs of the site and adjacent properties. The photos shall be taken from each of the property lines of the project site to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of the photograph.

f. Deed restriction completed as required, signed and ready for recordation.

2. Step two: Issuance. The Department of Community Development shall issue a second dwelling unit building permit provided it meets the specific standards contained in subsections (C) and (F) of this section, as well as Chapters 12.96 and 12.200 of the San Bruno zoning ordinance and upon a site visit by community development department staff.

F. Development Standards.

A second dwelling unit permit will only be issued if it complies with the following development standards:

1. Setbacks: the main dwelling unit setbacks, based on the zoning district in which it is located, shall also apply to the second dwelling unit. No second dwelling unit shall be closer to the main dwelling (on the same lot) than that permitted by the Uniform Building Code. A second dwelling unit shall not be closer than six feet from the main building on the same lot or adjacent lot. A second dwelling unit shall be located within one hundred feet of the main dwelling unit. A second dwelling unit may be located within the same envelope as the main dwelling.

2. Other zoning district standards: all other development regulations for the district in which the second unit is located shall apply. This includes but is not limited to lot coverage and floor area ratio standards.

3. San Bruno zoning ordinance Chapter 12.200, which regulates construction of new residences and additions, shall remain in full force and effect. No second dwelling unit requiring additional floor area may be approved where a conditional use permit would be required per Chapter 12.200 or where the development regulations for the particular zoning district would not be met. A second dwelling unit may be approved only as part of an existing structure that exceeds the standards of Chapter 12.200 if it was approved with building permits prior to the implementation of this ordinance.

4. Unit size:

a. No newly constructed second dwelling unit may have more than one bedroom, nor contain a gross floor area in excess of six hundred forty square feet or less than one hundred fifty square feet.

b. Internal conversion: A second dwelling unit created by the internal conversion of an existing single family dwelling shall not occupy more than forty percent of the total habitable floor area of the building, including any proposed addition, but excluding the garage area.

5. Height: no detached second unit shall exceed twenty-five feet in height.

6. Off-street parking: the second dwelling unit shall provide one more off-street parking space than required for a single-family dwelling. This additional parking space may be uncovered and may be located adjacent to the required driveway for the primary residence or in the side yard as allowed per zoning code Section 12.100.060. The off-street parking for the second unit shall not be a tandem space because tandem parking is not allowed by right for residential uses in San Bruno as per zoning code Section 12.100.080(C)(1).

7. Architectural compatibility: the second dwelling unit shall incorporate the same or similar architectural features, building materials, and colors as the main dwelling unit or dwellings located on adjacent properties.

8. Privacy: any window or door of a second story second dwelling unit shall utilize one of the following techniques to lessen the privacy impacts onto adjacent properties. These techniques are use of obscured glazing, window placement above five feet, six inches (eye level), windows and doors located toward the existing on-site residence, or screening treatments.

9. Permanent foundation: a permanent foundation shall be required for all second dwelling units.

10. A sanitary sewer cleanout conforming to city standards shall be provided at the property line. A cleanout shall be provided for each sanitary sewer line crossing the property line.

11. Downspouts and gutters draining to the curb shall be provided on the primary and second dwelling unit.

12. The San Bruno building official shall assign a new address to the second dwelling unit.

13. Existing development: a single-family dwelling must exist on the lot. If the lot is undeveloped, then the applicant may be subject to discretionary review.

14. Number per lot: a maximum of one second dwelling unit shall be permitted on any lot.

15. Occupancy: the property shall be the residence of the property owner. The owner may occupy either the main dwelling unit or second dwelling unit as his/her principal residence.

G. Deed Restrictions. Before obtaining a second dwelling unit building permit, the property owner shall file with the county recorder a declaration or agreement of restrictions, which has been approved by the city attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

1. The second dwelling unit shall not be sold separately;

2. The second dwelling unit is restricted to the maximum size allowed per the development standards in subsection F;

3. The second dwelling unit shall be considered legal only as long as the owner of record of the property occupies either the primary residence or the second dwelling unit; and

4. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner. (Ord. 1682 § 1, 2003)

12.92.040 Building site—Substandard lot.

A. A substandard lot may be used as a building site pursuant to the provisions of this section.

B. A substandard lot in an R-1, R-2, R-3, or R-4 zoning district may be used for one (1) single-family residence as a permitted use. The setback limitations set forth in subsection (C)(2) of this section shall be applicable.

C. The planning commission may issue conditional use permits for development of substandard lots in accordance with this chapter in R-2, R-3, and R-4 districts, subject to the following limitations:

1. No such use permit shall be issued for a density exceeding one dwelling unit for each one thousand two hundred fifty square feet of land area in the R-2, R-3, and R-4 districts.

2. Each residence shall be constructed so as to provide setbacks of at least ten percent of the width of the lot, but in no case less than three feet; providing that the architectural review committee may authorize a lesser setback on the interior lot line when such building site abuts a developed building site which has a structure with no openings siding on such lot.

D. In the C-1/C-2/CC district:

1. A substandard lot may be used as a building site if its area is two thousand square feet or more.

2. The maximum lot coverage by buildings on such lot, subject to all other requirements, shall not exceed eighty percent.

E. In M-1 districts:

1. A substandard lot may be used as a building site if its area is two thousand five hundred square feet or more.

2. The maximum lot coverage by buildings on such a lot shall not exceed the following:

Area of Building Site	Maximum Lot Coverage
2,500 sq. ft. or more but less than 5,000 sq. ft.	80%
5,000 sq. ft. or more but less than 7,500 sq. ft.	70%
7,500 sq. ft. or more	60%

F. Where a parcel of land does not qualify as a substandard lot as defined in Section 12.80.290 H because since January 13, 1962, such parcel and adjoining land were of one record ownership so as to create a standard building site, such parcel may be used alone as a separate building site if the planning director finds that the adjoining land is of sufficient size and width so as to constitute a standard building site by itself. (Repealed by Ord. 1520 § 3, 1990)

Chapter 12.96

ESTABLISHMENT AND DESCRIPTION OF DISTRICTS

Sections:

12.96.010 Established.

The districts established by the provisions of this article are designated as follows:

R-1/R-1-D	Single-family residential district
R-2	Low density residential district
R-3	Medium density residential district
R-4	High density residential district
C-N	Neighborhood commercial district
C-1/C-2/C-3	General commercial district
C-B-D	Central business district
A-R	Administrative and research district
C-O	Community office district
-LC	Limited Commercial Combining District
M-1	Industrial district
-M	Combining industrial district
O	Open space and conservation district
U	Unclassified district
P-D	Planned development district.

(Ord. 1410 § 1 (part), 1982: prior code § 27-7.1)

12.96.020 Zoning map.

The designations, locations and boundaries of the districts established are delineated upon the zoning map for the city of San Bruno, California, as amended, which map and all notations and information thereon are made a part of this article. Any land within city limits, now or in the future, not designated or indicated as any district on the zoning map shall be immediately zoned pursuant to the general plan of the city.

The zoning map, for convenience, may be divided into section maps. Each such section map may be separately referred to or amended for the purposes of amending the zoning map. The zoning map and each of its section maps, and the notations, references and other information shown thereon, shall be as much a part of this article as if the matters and information set forth by such maps were all fully described in this article. (Ord. 1469 § 1, 1986; Ord. 1464 § 1, 1986; Ord. 1459 § 1, 1985; Ord. 1458 § 1, 1985; Ord. 1457 § 1, 1985; Ord. 1449 § 1, 1985; Ord. 1440 § 1, 1984; Ord. 1410 § 1 (part), 1982: prior code § 27-7.2)

12.96.030 Unclassified land.

Any land, within the city limits, now or in the future, not otherwise classified on the zoning map shall be classified in the U unclassified district. (Ord. 1410 § 1 (part), 1982: prior code § 27-7.3)

12.96.040 Determination of boundaries.

Where the exact boundaries of a district cannot be readily or exactly ascertained by reference to the zoning map of the city of San Bruno, the boundary shall be deemed to be along the nearest street or lot line, as the case may be. If a district boundary line divides or splits a lot, the lot shall be deemed to be included within the district which is the more restrictive, except in the case of acreage, where the boundary shall be determined by measurement on the zoning map. (Ord. 1410 § 1 (part), 1982: prior code § 27-7.4)

12.96.050 Change in boundaries.

Changes in boundaries of districts shall be made by ordinance in the manner provided in Chapter 12.136, said ordinance describing the area to be changed by lot and block number. After adoption of any ordinance changing the boundaries of any district, the planning director shall mark the zoning map to show the number and date of the adoption of the ordinance making such change. (Ord. 1410 § 1 (part), 1982: prior code § 27-7.5)

12.96.060 R-1 and R-1-D single-family residential districts.

A. Purpose. To encourage the development of low density residential uses. This type of density is usually associated with single-family structures. However, uses related to single-family residences, such as schools, churches, and child care centers may be permitted in the R-1 and R-1-D districts by use permit or by planned unit permit under Chapter 12.116. Innovation in development of clustered housing, open space, and other amenities which make for a more desirable living environment.

B. Permitted Uses. The following uses are permitted in the R-1 and R-1-D districts:

1. Single-family dwellings;
2. Accessory buildings and uses;
3. Small family day care homes;
4. Special residential care facilities.

C. Conditional Uses. Conditional uses allowed in the R-1 and R-1-D districts, subject to obtaining a use permit, are as follows:

1. Churches and schools;
2. Parks and playgrounds;
3. Landscaped public or private parking lots when adjacent to any C district;
4. Mobile home parks;
5. Crop and tree farming;
6. Large family day care homes, subject to the provisions set forth in Section 12.84.200.

D. Development Regulations. Development regulations in the R-1 and R-1-D districts are as follows:

Minimum site area: Five thousand square feet, interior lots; six thousand square feet, corner lots.

Minimum lot width: Fifty feet, except sixty feet on corner side of corner lot.

Maximum coverage: Impervious surface: Eighty percent; structures: Varies, lot coverage of structures in the R-1 and R-1-D residential districts shall not exceed eighty percent of the total floor area allowed by this section.

Maximum floor area: The permitted floor area (FA) of buildings shall be determined by multiplying the adjusted lot size (from Chart 1, below) by the floor area ratio corresponding to the slope of the lot (from Chart 2, below).

Average Percent Slope of Site. The average percent slope of site is computed by the following formula:

$$AS\ (\text{Average Percent Slope of Site}) = \frac{100 \times I \times L}{A}$$

where:

I = contour interval in feet, not to exceed ten (10) feet

L = summation of length of contour lines in feet; and

A = area in square feet of parcel being considered.

AS = average percent slope of site.

Floor Area Ratio Adjustment Factor for Lot Size. The floor area ratio shall be adjusted inversely proportional to the lot size as shown in the Chart 1, below. The Floor Area Ratio shall be further adjusted by the average slope as shown in Chart 2, below.

Chart 1
ADJUSTED LOT SIZE

Lot Size (sq. ft.)	Adjustment Factor
2,500	1.20
3,000	1.16
3,500	1.12
4,000	1.08
4,500	1.04
5,000	1.00
5,500	0.97
6,000	0.94
6,500	0.91
7,000	0.88
7,500	0.85
8,000	0.82
8,500	0.79
9,000	0.77
9,500	0.75
10,000	0.73
10,500	0.71
11,000	0.68
11,500	0.66
12,000	0.64
12,500	0.62
13,000	0.61
13,500	0.60
14,000	0.59
14,500	0.58
15,000	0.57
15,500	0.56
16,000	0.55
16,500	0.54
17,000	0.53
17,500	0.52
18,000	0.51
18,500	0.50
19,000	0.49
19,500	0.48
20,000	0.47
>20,000	0.47

Chart 2
PERMITTED FLOOR AREA

Average Slope (percent)	Floor Area Ratio (FAR)
<10	0.550
10	0.550
11	0.545
12	0.541
13	0.537
14	0.533
15	0.529
16	0.524
17	0.519
18	0.514
19	0.509
20	0.505
21	0.500
22	0.495
23	0.490
24	0.485
25	0.480
26	0.475
27	0.470
28	0.465
29	0.460
30	0.456
31	0.451
32	0.446
33	0.441
34	0.436
35	0.432
36	0.427
37	0.422
38	0.417
39	0.412
40	0.407
41	0.402
42	0.397
43	0.392
44	0.387
45	0.383
>45	0.383

A conditional use permit shall be required whenever the permitted limitations for lot coverage or floor area are exceeded.

Minimum front yard: Fifteen feet*
Minimum side yard: Five feet*
Minimum rear yard: Ten feet

Other Regulations.

1. Maximum height of structures shall be as follows or a conditional use permit must be secured:

a. Twenty-eight feet for lots with an average slope of less than twenty percent which slope from front property line to rear property line, as well as for lots which slope from side yard to side yard regardless of the average slope; or

b. Twenty-six feet for downsloping lots (from front to rear) with an average slope of twenty percent or more; or

c. Thirty feet for upsloping lots (from front to rear) with an average slope of twenty percent or more.

2. In the case of conditional uses, additional regulations may be required.

3. Additions: Expansions, remodeling, alterations, or enlarging which would result in an increase in the gross floor area by more than fifty percent would require a conditional use permit.

4. Parking: As set forth in Chapter 12.100 and as follows:

a. If there are no covered off-street parking spaces existing or proposed, then any addition, expansion, enlargement or alteration which increases the gross floor area will require a conditional use permit.

b. If there is only one covered off-street parking space per unit existing or proposed, then any expansion, enlargement or alteration that would result in the gross floor area exceeding one thousand eight hundred twenty-five square feet, excluding garage area, will require a conditional use permit.

c. If there are two covered off-street parking spaces per unit existing or proposed, then any expansion, enlargement or alteration that would result in the gross floor area exceeding two thousand eight hundred square feet, excluding garage area, will require a conditional use permit.

d. An accessory building to and/or an interior private parking garage of a single family residence shall not be designed, constructed, altered or expanded to be used for the storage of more than three automobiles; nor exceed six hundred square feet when such interior parking and/or interior vehicle storage area upon a single parcel are combined, without first securing a conditional use permit.

e. Tandem parking can be allowed by securing a parking exception from the planning commission provided the applicant demonstrates a hardship with the parking standards applied to the parcel in question.

5. Second story setback: Conditional use permits are required if the front plane of a second story is not set back at least five feet further than the front setback of the first story. Architectural projections such as eaves, bay windows, bow windows, chimneys, etc., are exempted from this additional setback.

6. Second story front decks: Conditional use permits are required for second story front decks which would:

a. Have an area larger than seventy-two square feet; or

b. Have a front depth greater than six feet; or

c. Not be set back at least eighteen inches from the face of the first floor of the house, or which would not provide a solid vertical surface around the bottom eighteen inches of the deck.

7. Second story windows: Conditional use permits are required for a second story having any transparent window, any other transparent opening, or any deck facing any interior side yard adjacent to an abutting property which abutting property has a side yard greater than ten feet.

8. Third stories: Conditional use permits are required for third stories, where any part of the three stories lie within the same vertical plane. This provision applies whether the third story is created

for a new home or for an addition to an existing home.

9. Architectural Review Permits Required. All structures requiring a use permit by the provisions of the section shall first be reviewed by the architectural review committee of the planning commission. In addition, any structure which is increased by more than one thousand square feet, or which will be greater than three thousand square feet as a result of new construction or addition, shall be required to obtain an architectural review permit prior to receiving a building permit.

*Exceptions:
1. Minimum setback from sidewalk to a garage shall be twenty feet.
2. Minimum side yard for corner lots shall be ten feet.

(Ord 1520 § 3 (part), 1990; Ord. 1433 § 1 (part), 1984; Ord. 1410 § 1 (part), 1982: prior code § 27-7.6)

12.96.070 R-2 low density residential district.

A. Purpose. To encourage the development of single-family and two-family dwellings and low density apartments; and to permit related uses such as churches, schools, and child care center.

B. Permitted Uses. The following uses are permitted in the R-2 district:

1. Single-family dwellings;
2. Two-family dwellings;
3. Accessory buildings and uses;
4. Child care facilities for not more than six children;
5. Special residential care facilities.

C. Conditional Uses. Conditional uses allowed in the R-2 district, subject to obtaining a use permit, are as follows:

1. Apartments.
2. Landscaped public or private parking lots when adjacent to any C district.

D. Development Regulations. Development regulations in the R-2 district are as follows:

1. Minimum building site required: Five thousand square feet, except corner lots which shall be six thousand square feet.
2. Minimum lot area per dwelling unit: Two thousand nine hundred square feet.
3. Minimum lot width: Fifty feet, except corner lots which shall be sixty feet.
4. Required minimum setbacks:* Front: fifteen feet; side: ten feet street side; five feet, interior sides; rear: ten feet.
5. Maximum coverage by all structures: Varies, lot coverage of structures in the R-2 residential districts shall not exceed the total floor area allowed (see Chart 1 and Chart 2 above under regulations for R-1 and R-1-D).
6. Maximum coverage by impervious material: Eighty-five percent.
7. Maximum allowable height of structures shall be as follows or a conditional use permit shall be secured:

a. Twenty-eight feet for lots with an average slope of less than twenty percent which slope from front property line to rear property line, as well as for lots which slope from side yard to side yard regardless of the average slope; or

b. Twenty-six feet for downsloping lots (from front to rear) with an average slope of twenty percent or more; or

c. Thirty feet for upsloping lots (from front to rear) with an average slope of twenty percent or more.

8. In the case of conditional uses, additional regulations may be required.
9. Additions: Expansions, remodeling, alteration, enlarging, or a detached addition to an existing single family or two family residential structure which would result in an increase in the gross floor area by more than fifty percent would require a conditional use permit.
10. Parking: As set forth in Chapter 12.100 and as follows:

a. If there are no covered off-street parking spaces existing or proposed, then any addition, expansion, enlargement or alteration which increases the gross floor area will require a conditional use permit.

b. If there is only one covered off-street parking space per unit existing or proposed, then any expansion, enlargement or alteration that would result in the gross floor area exceeding one

thousand eight hundred twenty-five square feet, excluding garage area, will require a conditional use permit.

c. If there are two covered off-street parking spaces per unit existing or proposed, then any expansion, enlargement or alteration that would result in the gross floor area exceeding two thousand eight hundred square feet, excluding garage area, will require a conditional use permit.

d. An accessory building to and/or an interior private parking garage of a single family residence shall not be designed, constructed, altered or expanded to be used for the storage of more than three automobiles; nor exceed six hundred square feet when such interior parking and/or interior vehicle storage area upon a single parcel are combined, without first securing a conditional use permit.

e. Tandem parking can be allowed by securing a parking exception from the planning commission provided the applicant demonstrates a hardship with the parking standards applied to the parcel in question.

11. Architectural review permit: As set forth in Chapter 12.108 and as follows: All structures requiring a use permit by the provisions of the section shall first be reviewed by the architectural review committee of the planning commission. In addition, any structure which is increased by more than one thousand square feet, or which will be greater than three thousand square feet as a result of new construction or addition, shall be required to obtain an architectural review permit prior to receiving a building permit.

12. Second story setback: Conditional use permits are required if the front plane of a second story is not set back at least five feet further than the front setback of the first story. Architectural projections such as eaves, bay windows, bow windows, chimneys, etc., are exempted from this additional setback.

13. Second story front decks: Conditional use permits are required for second story front decks which would:

a. Have an area larger than seventy-two square feet; or

b. Have a front depth greater than six feet; or

c. Not be set back at least eighteen inches from the face of the first floor of the house, or which would not provide a solid vertical surface around the bottom eighteen inches of the deck.

14. Second story windows: Conditional use permits are required for a second story having any transparent window, any other transparent opening, or any deck facing any interior side yard adjacent to an abutting property which abutting property has a side yard greater than ten feet.

15. Third stories: Conditional use permits are required for third stories, where any part of the three stories lie within the same vertical plane. This provision applies whether the third story is created for a new home or for an addition to an existing home.

*Exceptions:
1. Minimum setback from sidewalk to a garage shall be twenty feet.
2. Minimum side yard for corner lots shall be ten feet.

(Ord 1520 § 3 (part), 1990; Ord. 1410 § 1 (part), 1982: prior code § 27-7.7)

12.96.080 R-3 medium density residential district.

A. Purpose. To encourage the development of medium density residential multifamily structures such as duplexes, triplexes, apartments and condominiums and ancillary uses, such as roominghouses and boardinghouses, sanitariums and rest homes.

B. Permitted Uses. The following uses are permitted in the R-3 district:

1. Single-family dwellings and duplexes;
2. Apartments;
3. Accessory buildings and uses;
4. Small family day care homes;
5. Special residential care facilities.

C. Conditional Uses. Conditional uses allowed in the R-3 district, subject to obtaining a use permit, are as follows:

1. Conditional uses permitted in the R-1 district;

2. Roominghouses, boardinghouses;

3. Sanitariums, rest homes, convalescent homes.

4. Landscape public or private parking lots when adjacent to any C district.

D. Development Regulations. Development regulations in the R-3 district are as follows:

1. Minimum building site required: Five thousand square feet, except corner lots which shall be six thousand square feet.

2. Minimum lot area per dwelling unit: One thousand nine hundred fifty square feet.

3. Minimum lot dimensions: Fifty-foot width, except corner lots which shall be sixty feet.

4. Required minimum setbacks:* Front: fifteen feet; side: ten feet street side; five feet interior sides; rear: ten feet.

5. Minimum usable open space: Four hundred square feet per unit.

6. Maximum coverage by all structures: Sixty percent.

7. Maximum coverage by impervious materials: Eighty-five percent.

8. Maximum allowable height: Fifty feet or three stories, whichever is more restrictive.

9. In the case of conditional uses, additional regulations may be required.

10. Parking: As set forth in Chapter 12.100.

11. Architectural review permit: As set forth in Chapter 12.108.

*Exceptions:
1. Minimum setback from sidewalk to a garage shall be twenty feet;
2. Minimum side yard for corner lots shall be ten feet.

(Ord 1520 § 3 (part), 1990; Ord. 1433 § 1 (part), 1984; Ord. 1410 § 1 (part), 1982: prior code § 27-7.8)

12.96.090 R-4 high density residential district.

A. Purpose. To encourage the development of high density residential multifamily structures such as apartments and condominiums and to allow for other uses such as roominghouses and boardinghouses, sanitariums and rest homes.

B. Permitted Uses. The following uses are permitted in the R-4 district:

1. Single-family dwellings and duplexes;

2. Apartments;

3. Accessory buildings and uses;

4. Small family day care homes;

5. Special residential care facilities.

C. Conditional Uses. Conditional uses allowed in the R-4 district, subject to obtaining a use permit, are as follows:

1. Conditional uses permitted in the R-1 district;

2. Roominghouses, boardinghouses;

3. Sanitariums, rest homes, convalescent homes;

4. Hospitals;

5. Landscape public or private parking lots when adjacent to any C district.

D. Development Regulations. Development regulations in the R-4 district are as follows:

1. Minimum building site required: Five thousand square feet, except corner lots which shall be six thousand square feet.

2. Minimum lot area per dwelling unit: One thousand four hundred fifty square feet.

3. Minimum lot dimensions: Fifty-foot width, except corner lot which shall be sixty feet.

4. Required minimum setbacks:* Front: fifteen feet; side: ten feet street side; five feet, interior sides; rear: ten feet; garage to sidewalk, twenty feet.

5. Minimum usable open space: Two hundred square feet per unit.

6. Maximum coverage by all structures: Sixty percent.

7. Maximum coverage by impervious materials: Eight-five percent.

8. Maximum allowable height: Fifty feet or three stories, whichever is more restrictive.

9. Minimum landscaping: As set forth in Chapter 12.84.

10. In the case of conditional uses, additional regulations may be required.

11. Parking: As set forth in Chapter 12.100.

12. Architectural review permit: As set forth in Chapter 12.108.

*Exceptions:
1. Minimum setback from sidewalk to a garage shall be twenty feet;
2. Minimum side yard for corner lots shall be ten feet.

(Ord 1520 § 3 (part), 1990; Ord. 1433 § 1 (part), 1984; Ord. 1410 § 1 (part), 1982: prior code § 27-7.9)

12.96.100 C-N neighborhood commercial district.

A. Purpose. To serve the limited market area of a specific neighborhood by providing for such uses as apparel and accessory stores, food stores, personal and professional services.

B. Permitted Uses. The following uses, conducted entirely within an enclosed structure, are permitted in the C-N district:

1. Apparel and accessory stores;*
2. Food stores;*
3. Eating places,* except drive-in eating places;
4. Miscellaneous retail, except nonstore retailers and fuel and ice dealers;*
5. Finance, insurance and real estate offices;*
6. Personal services, except laundry, cleaning and garment services, funeral services and crematories, miscellaneous personal services but including garment pressing and agents for laundries and dry cleaners;*
7. Any other use which the planning commission finds is similar in nature, function or operation to the listed permitted uses.

C. Conditional Uses. Conditional uses allowed in the C-N district, subject to obtaining a use permit, are as follows:

1. Drive-in eating places;
2. Automobile service stations;
3. Medical/dental and professional offices;
4. Household goods warehousing and storage,* where the planning commission finds that the lot on which the user is proposed:

a. Is not physically suitable for the permitted or other conditional uses in the district, due to seismic conditions, and/or

b. Is such that the establishment of permitted or other conditional uses in the district are not economically feasible in terms of return on investment, as shown by an economic analysis submitted by the applicant and proposed by a qualified economist where an application for a conditional use permit for such use was ending on January 14, 1985;

5. Eating places with alcoholic beverage sales;
6. Any use which the planning commission finds is similar in nature, function or operation to the listed conditional uses.

D. Development Regulations. Development regulations in the C-N district are as follows:

1. Minimum building site required: Five thousand square feet; except corner lots, which shall be six thousand square feet.
2. Minimum lot dimensions: Fifty-foot width, except corner lots which shall be sixty feet.
3. Required minimum setbacks: Front: fifteen feet; side street side of corner lot, ten feet; interior side: zero, except ten feet adjacent to an R district; rear: zero, except ten feet when adjacent to an R district.
4. Maximum allowable height: thirty-five feet.
5. Maximum coverage by all structures: Sixty percent.
6. Maximum coverage by impervious material: Ninety percent.
7. Minimum landscaping: As set forth in Chapter 12.84.
8. In the case of conditional uses, additional regulations may be required.
9. Parking: As set forth in Chapter 12.100.

10. Architectural review permit: As set forth in Chapter 12.108.

*Term is elaborated in Standard Industrial Classification Manual.

(Ord. 1685 § 1.4, 2003; Ord. 1453 § 1, 1985; Ord. 1428 § 1, 1984; Ord. 1410 § 1 (part), 1982: prior code § 27-7.10)

12.96.110 C-1, C-2, and C-C general commercial districts.

A. Purpose. These districts are intended to serve the market area of the whole community. They generally encompass retail stores, food stores, personal and professional services, professional and administrative offices, furniture stores, newspapers and printing plants, and motion picture theaters. Auto related uses are conditional uses within the district.

B. Permitted Uses. The following uses, conducted entirely within an enclosed structure and provided there is an architectural review permit, are permitted in the C-1, C-2, and C-C districts:

1. All permitted uses in the C-N district;
2. Personal services;*
3. Miscellaneous retail,* except adult bookstores;
4. Professional, administrative, medical/dental and business offices;
5. Eating places, except drive-in eating places;
6. Furniture, home furnishings and equipment stores;*
7. Business services, except equipment renting and leasing;*
8. Newspaper, printing and lithography plants;
9. Motion picture theaters, except drive-in and adult theaters;
10. Miscellaneous services;*
11. Adult bookstores, adult entertainment facilities, adult motion picture theaters and massage establishments; subject to the provisions set forth in Chapter 12.84;
12. Churches which were constructed prior to December 1961, provided that such facilities shall be governed by the development regulations set forth in Section 12.96.060 D;
13. Any other use which the planning commission finds is similar in nature, function, or operation to the listed permitted uses.

C. Conditional Uses. Conditional uses, conducted entirely within an enclosed structure, allowed in the C-1, C-2, C-C districts, subject to obtaining a use permit and an architectural review permit, are as follows:

1. Sales of used merchandise within a building:
2. Drive-in eating places;
3. Small animal hospitals or clinics;
4. Hotels and motels;
5. Outdoor sales;
6. Automotive service stations;
7. Self-service car washes and automatic car washes;
8. Motor vehicle dealers, auto and home supply stores, boat dealers, recreational and utility trailer dealers, motorcycle dealers;*
9. Equipment rental and leasing;*
10. Automotive repair, services and garages;*
11. Commercial recreation facilities;
12. Gaming clubs; subject to the provisions set forth in Chapter 12.84;
13. Amusement game centers, subject to the provisions set forth in Chapter 12.84;
14. Household goods warehousing and storage,* where the planning commission finds that the lot on which the user is proposed:
    a. Is not physically suitable for the permitted or other conditional uses in the district, due to seismic conditions, and/or
    b. Is such that the establishment of permitted or other conditional uses in the district are not economically feasible in terms of return on investment, as shown by an economic analysis submitted by the applicant and proposed by a qualified economist where an application for a conditional use permit for such use was ending on January 14, 1985;
15. Drinking places;
16. Eating places with alcoholic beverage sales.

17. Any use which the planning commission finds is similar in nature, function or operation to the listed conditional uses.

D. Development Regulations. Development regulations in the C-1, C-2 and C-C districts are as follows:

1. Minimum lot dimensions: Fifty-foot width, except corner lots which shall be sixty feet.

2. Required minimum setbacks: None.

3. Maximum coverage by all structures: Eighty percent.

4. Maximum allowable height: Fifty feet or three stories, whichever is more restrictive.

5. Conditional uses may require additional regulations.

6. Parking: As set forth in Chapter 12.100.

7. Architectural review permit: As set forth in Chapter 12.108.

*Term is elaborated in Standard Industrial Classification Manual.

(Ord. 1685 § 1.6, 2003; Ord. 1476 § 7, 1987; Ord. 1453 § 2, 1985; Ord. 1450 § 1, 1985; Ord. 1428 § 2, 1984; Ord. 1410 § 1 (part), 1982: prior code § 27-7.11)

12.96.120 C-B-D central business district.

A. Purpose. To designate and promote orderly development of the business district as primarily a retail shopping facility with related services to serve present and future needs of the residential community.

B. Permitted Uses. The following uses, conducted entirely within an enclosed structure, and provided there is an architectural review permit, are permitted within the central business district (C-B-D):

1. Department stores, apparel shops, tailor, fur shops, dressmaking or millinery shops, sewing, yardage, draperies, variety stores, shoe stores, shoe repair;

2. Drugstores, bookstores, except for adult bookstores;

3. Cameras, photographic supplies and photographic studios;

4. Cafes, restaurants, and catering shops which are accessory to restaurants or delicatessens;

5. Stores at which furniture, rugs, appliances, hardware, or homeware is sold;

6. Gift shop, china, art specialty, jewelry, hobby and toy shop, stationery and office supplies, sporting goods, smoke shop;

7. Music and records, TV and radio and electronic parts and supplies; radio, TV and appliance repair and service;

8. Professional offices, sales representatives, administrative offices, accounting and bookkeeping offices, financial institutions and loan offices. Medical and dental buildings shall be permitted in any portion of a structure not fronting on a public street where such structure was designed and constructed as an arcade, and where the particular portion of the building opens into the arcade only;

9. Florists;

10. Bicycle sales and repairs;

11. Liquor stores;

12. Craft shops, needlepoints, knitteries;

13. Locksmiths;

14. Laundries, dry cleaners, but not including coin-operated facilities;

15. Vacuum cleaner dealers;

16. Barbershops, beauty shops, and manicuring services, where accessory to a barber or beauty shop;

17. Bakery shops, where goods baked on the premises are produced primarily for sale on said premises;

18. Printing shops, where the printing equipment consists of not more than two printing presses which have the capacity of reproducing sheets less than eleven inches by seventeen inches. Printing presses with a capacity of reproducing sheets of a greater size shall not be permitted;

19. Pet shops and pet grooming services, but not including overnight boarding;

20. Gun shops;

21. Camera equipment sales;

22. Taxidermist shops;

23. Sales of automotive parts. On-site repairs are permitted only as to parts which are not at-

tached to or integrated with a vehicle. Installation or removal of parts from vehicles is not permitted. On-site repairs must be limited and accessory to items sold on the premises, and if vehicular access to the portion of the premises where the repairs will occur is a public street other than San Mateo Avenue;

24. Sales of used furniture, china, art goods, glassware, and jewelry which has been maintained at, refinished to, or repaired to a substantially unused or like new condition;

25. Parking lots and garages open to the general public, whether a charge or fee for parking is imposed or not. Gasoline sales are permitted as accessory to parking garages, but such accessory use does not include automobile repair;

26. Residential dwelling units, with the number of housekeeping units limited to one for each one thousand square feet of lot area. Such units shall be permitted only on the second story and above.

27. Any other use which the planning commission finds to be similar in nature, function, or operation to one or more uses specifically permitted in this district pursuant to this section.

C. Conditional Uses. Conditional uses allowed in the C-B-D district, subject to obtaining a use permit and architectural review permit, are as follows:

1. Outdoor sales, when of a permanent character, not including drive-in establishments;

2. Grocery, meat, fruit, and vegetable stores;

3. Coin-operated laundry facilities;

4. Lodges and clubs, but only on the 600 block of San Mateo Avenue and the 200 block of West Angus Avenue;

5. Secondhand sales not otherwise permitted under subdivision(B)(24) of this section;

6. Gaming clubs, but only on San Mateo Avenue or (if such property is ever included within the C-B-D zoning district) on El Camino Real, subject to the off-street parking requirements prescribed for such use;

7. Dance studios, health clubs, karate and martial arts studios;

8. Medical and dental offices, where proposed to be established on the first story of a building;

9. Public buildings;

10. Printers, not otherwise permitted under subdivision B 18 of this section;

11. Drinking places;

12. Eating places with alcoholic beverage sales.

D. Prohibited Uses. The following uses are prohibited in the C-B-D district:

1. Lodges and clubs, except where permitted under a conditional use permit on the 600 block of San Mateo Avenue;

2. Pool rooms, billiard parlors;

3. Any establishment wherein four or more mechanical and/or electronic amusement devices are furnished whereby games are played, films or photographs are shown, or tests of strength are offered through the playing of machines;

4. Sales or leasing of motor vehicles;

5. Repair of motor vehicles, except as provided under subdivision(B)(23) of this section;

6. Automobile service stations, except as permitted under subdivision(B)(23) of this section;

7. Warehouse;

8. Theaters and public assembly halls;

9. Wholesale sales, except as permitted under subsection B of this section;

10. Massage establishments;

11. Amusement game centers;

12. Adult bookstores;

13. Adult entertainment facilities;

14. Adult theaters;

15. Drive-in eating places.

E. Development Regulations.

1. Accessory buildings are permitted only if constructed simultaneously with or subsequent to the main building on the same lot.

2. Accessory uses must be normally incidental to the uses permitted.

3. Architectural features, such as cornices, eaves, canopies, awnings, marquees or similar projections may encroach a maximum of thirty-six inches into any public right-of-way, providing a

minimum eight-foot clearance is maintained to grade of sidewalk, and twelve-inch encroachment is permitted if a minimum seven-foot clearance is maintained.

4. Flower boxes, planters, and architectural features with a maximum of thirty-six inches above the grade of the sidewalk; maximum encroachment: Twelve inches.

5. No encroachment shall be permitted into a vehicular trafficway.

6. Maximum height, walls and fences: Eight feet, except that where there are no access driveways, three feet.

7. Minimum building site required: Two thousand square feet.

8. Minimum lot dimensions: Twenty-five-foot width.

9. Required minimum setbacks: None, except when a lot abuts a lot in an R district there shall be a setback of not less than ten feet from the property line abutting such district unless otherwise required in this chapter.

10. Maximum coverage by all structures: One hundred percent, less required parking and landscaping.

11. Maximum allowable height: Fifty feet.

12. Minimum landscaping: As set forth in Chapter 12.84.

13. Parking: As set forth in Chapter 12.100.

14. Architectural review permit: As set forth in Chapter 12.108. (Ord 1520 § 3 (part), 1990; Ord. 1685 § 1.7 and 1.8, 2003; Ord. 1628 § 2, 2000; Ord. 1476 § 8, 1987; Ord. 1471 § 6; Ord. 1410 § 1 (part), 1982: prior code § 27-7.12)

12.96.130 A-R administrative and research district.

A. Purpose. To establish high quality light industrial areas, research facilities, large scale administrative offices, and professional and medical offices in addition to ancillary personal service and business uses along the West San Bruno Avenue corridor.

B. Permitted Uses. The following uses, conducted entirely within an enclosed structure and provided there is an architectural review permit, are permitted in the A-R district:

1. Printing, publishing, and allied industries;*

2. Manufacturing of electrical and electronic machinery, equipment, and supplies;*

3. Manufacturing of measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks;*

4. Business services, except services to buildings;*

5. Finance, insurance and real estate offices;*

6. Administrative, professional, medical and dental offices;

7. Uses appurtenant to the above uses;

8. Printing/copy services and personal services, including beauty salons, barbershops, skin care and facial salons, limited to the south side of West San Bruno Avenue.

C. Conditional Uses. Conditional uses allowed in the A-R district, subject to obtaining a use permit, are as follows:

1. Those uses specified in Chapter 12.84;

2. Car rental services, limited to the south side of West San Bruno Avenue;

3. Any other office/commercial use which the planning commission finds to be similar in nature, function, or operation to one or more uses specifically permitted in this district pursuant to this section;

4. Churches, limited to the south side of San Bruno Avenue West.

D. Development Regulations. Development regulations in the A-R district are as follows:

1. Minimum building site required: One acre.

2. Minimum lot dimensions: One hundred feet.

3. Required minimum setbacks: Front: forty feet, plus one foot for each foot of building height above twenty-five feet; exterior side: same as front; interior side: twenty-five feet, except forty-five feet when adjacent to a residential district; rear: same as interior side.

4. Maximum coverage by all structures: Forty percent.

5. Maximum coverage by impervious material: Eighty percent.

6. Maximum allowable height: Forty feet.

7. Minimum landscaping: As set forth in Chapter 12.84.

8. In the case of conditional uses, additional regulations may be required.

9. Parking: As set forth in Chapter 12.100.

10. Architectural review permit: As set forth in Chapter 12.108.

11. Printing/copy services and personal services, including beauty salons, barbershops, skin care and facial salons, shall be limited to a maximum of twenty-five percent of the gross floor area.

*Term is elaborated in the Standard Industrial Classification Manual.

(Ord. 1638 § 1, 2001; Ord. 1588 § 2, 1997; Ord. 1410 § 1 (part), 1982: prior code § 27-7.13)

12.96.140 C-O community office district.

A. Purpose. To establish and promote the orderly development of an office and professional district with ancillary retail sales.

B. Permitted Uses. The following uses are permitted in the C-O district:

1. Offices and appurtenant uses;

2. Hotels and appurtenant uses;

3. Financial institutions;

4. The following retail commercial uses, fronting onto El Camino Real:

a. Art supply stores and galleries,

b. Bookstores (primarily new books only),

c. Computer and computer supply stores,

d. Communications equipment sales and rental,

e. Florists,

f. Music and video sales/rental stores,

g. Office supply and equipment stores,

h. Photographic stores and studios,

i. Stationery stores,

j. Xerox and copy services,

C. Conditional Uses. Conditional uses allowed in the C-O district, subject to obtaining a use permit, are as follows:

1. Restaurants, except drive-in eating places;

2. Parking garages;

3. Automobile service stations in parking structures;

4. The following retail commercial uses, fronting onto El Camino Real:

a. Antique stores,

b. Barber shops and beauty parlors,

c. Bicycle sales and repairs,

d. Dry cleaning services (without plant on premises),

e. Furniture sales and rentals,

f. Gift stores,

g. Health clubs/exercise facilities,

h. Health food stores,

i. Jewelry, watch and clock sales and repairs,

j. Packaging stores/mail service centers,

k. Pharmacies,

l. Shoe sales and repairs,

m. Smoke and tobacco shops,

n. Tailors,

o. Other retail commercial uses, not listed above, which the planning commission finds are consistent with the purpose statement of the C-O district;

5. Drinking places;

6. Eating places with alcoholic beverage sales.

D. Development Regulations. Development regulations in the C-O district are as follows:

1. Minimum building site required: Twenty thousand square feet.

2. Required minimum setbacks: Twenty-five feet from any public street; fifteen feet from any other property line.

3. Maximum coverage by all structures: Forty percent.

4. Maximum coverage by impervious material: Eighty-five percent.

5. Maximum allowable height: Thirty-five feet, provided that height up to fifty feet may be permitted subject to obtaining a use permit.

6. In the case of conditional uses, additional regulations may be required.

7. Parking: As set forth in Chapter 12.100.

8. Architectural review permit: As set forth in Chapter 12.108. (Ord. 1685 § 1.9, 2003; Ord. 1556 §§ 2 and 3, 1994; Ord. 1410 § 1 (part), 1982: prior code § 27-7.14)

12.96.150 M-1 industrial district.

A. Purpose. To establish areas for warehousing, light manufacturing, and fabrication.

B. Permitted Uses. The following uses, conducted entirely within an enclosed structure, are permitted in the M-1 district:

1. Auto-related uses such as service stations and auto repair shops;

2. Warehouses and storage;

3. Light manufacturing, fabricating.

C. Conditional Uses. Conditional uses, conducted entirely within an enclosed structure, subject to obtaining a use permit and architectural review permit, are as follows:

1. Industrial and manufacturing uses that may be obnoxious by reason of the emission of dust, odor, noise, glare or other nuisance, including uses such as the following:

a. Auto wrecking;

b. Building materials;

c. Contractor yards;

d. Manufacture, handling, or storage of dangerous materials;

e. Lumberyards;

f. Any use which in the opinion of the planning commission is similar to the above conditional uses.

D. Development Regulations. Development regulations for the M-1 district are as follows:

1. Minimum building site: Eight thousand square feet.

2. Minimum lot width: Sixty feet.

3. Required minimum setbacks: None.

4. Maximum coverage by all structures: Sixty percent.

5. Maximum allowable height: Thirty-five feet.

6. In the case of conditional uses, additional regulations may be required.

7. Parking: As set forth in Chapter 12.100.

8. Architectural review permit: As set forth in Chapter 12.108. (Ord. 1410 § 1 (part), 1982: prior code § 27-7.15)

12.96.160 M combining industrial district.

A. Purpose. To allow light manufacturing, storage, and industrial uses which may be combined with other compatible zoning districts.

B. Permitted Uses. The following uses are permitted in the M district:

1. All permitted uses in the district with which the M district is combined.

C. Conditional Uses. Conditional uses in the M district, subject to obtaining a use permit, are as follows;

1. All conditional uses in the district with which the M district is combined;

2. Carpenter shops;

3. Machine shops;

4. Wholesale sales;

5. Dairy products;

6. Building materials;

7. Any use which in the opinion of the planning commission is similar to the above conditional uses and is compatible with the district with which the M district is combined.

D. Development Regulations. Development regulations in the M district are as follows:

1. As specified in the district with which the M district is combined. (Ord. 1410 § 1 (part), 1982: prior code § 27-7.16)

12.96.165 LC limited commercial combining district.

A. Purpose. To allow continuation of existing commercial uses and to allow other commercial uses in commercial and residential districts within predominantly residential areas in such a manner

that the residential environment is not infringed upon by intensification of such commercial uses and that architecturally or historically significant structures may be preserved.

B. Establishment of District. LC limited combining districts may be established in combination with other commercial or residential zoning districts. No recommendation for establishment of an LC district shall be made unless the commission finds that the general character of the area surrounding the proposed district is residential.

C. Permitted uses in commercial districts.

1. The uses existing within the district at the time of its establishment.

2. Office uses which are permitted uses in the zoning district with which the LC district is combined and which require no additional off-street parking spaces beyond that required by the existing use.

3. The following additional permitted uses, where any such use requires no additional off-street parking spaces beyond that required by the existing use:

Uses existing at the time of establishment of LC district	Additional permitted uses
a. Food stores.	Miscellaneous retail uses permitted in such zoning district, except for used merchandise stores, non-store retailers, and fuel and ice dealers.
b. Miscellaneous retail uses permitted in the zoning district with which the LC district is combined.	

D. Conditional Uses. Except as provided in subsection C of this section, any use described as a permitted or conditional use in the commercial zoning district with which the LC district is combined, subject to the limitations on such use set forth in the provisions governing such commercial zoning district.

Conditional commercial uses in residential zones with which the LC district is combined shall be limited to finance, insurance, real estate, administrative, professional, medical and dental offices. A finding of architectural or historical significance shall be made by the planning commission and city council for approval of conditional commercial use in a residential zone combined with the LC district. (Ord. 1606 § 3, 1999)

12.96.170 O open space and conservation district.

A. Purpose. To preserve open space uses and provide recreation uses for the general community, including public and private parks, schools and cemeteries.

B. Permitted Uses. The following uses are permitted in the O district:

1. Crop and tree farming.

C. Conditional Uses. Conditional uses allowed in the O district, subject to obtaining a use permit, are as follows:

1. Public and private parks, trails;
2. Schools;
3. Cemeteries;
4. Uses which, in the opinion of the planning commission, are consistent with the open space and conservation elements of the San Bruno general plan.

D. Development Regulations. Development regulations in the O district are as follows:

1. For permitted uses, minimum lot area shall be one acre.

2. For conditional uses, all regulations shall be as specified in the use permit. (Ord. 1410 § 1 (part), 1982: prior code § 27-7.17)

12.96.180 U unclassified district.

A. Purpose. To regulate land use on lands within the city now or in the future where no zoning designation has been assigned.

B. Permitted Uses. The following uses are permitted in the U district:

1. None.

C. Conditional Uses. Conditional uses allowed in the U district, subject to obtaining a use permit, are as follows;

1. Uses consistent with the San Bruno general plan.

D. Development Regulations. Development regulations in the U district are as follows:

1. As specified in the use permit. (Ord. 1410 § 1 (part), 1982: prior code § 27-7.18)

12.96.190 P-D planned development district.

A. Purpose. It is the purpose of the P-D district to allow a mixture of uses, or unusual density, building intensity, or design relationships which will produce an environment and use of land in each case superior to that which would result from the regulations of the standard districts or combination of districts.

B. Permitted Uses. There are no permitted uses in the P-D district.

C. Conditional Uses. Any and all compatible land uses consistent with the San Bruno general plan are conditional uses in a P-D district, provided such use or uses have been designated on a development plan and approved by the planning commission and city council pursuant to the provisions of this section. Conditional uses may be authorized by the approval by the planning commission of a planned development permit (PDP).

D. Minimum Site Area. No minimum site area is established for a P-D district.

E. Application for Establishment of a P-D District. Application to have a parcel classified as a planned development district shall be made to the planning department and shall be accompanied by a fee, as set by the city council, and by a preliminary development plan. A P-D district may also be established for any property pursuant to the procedure for amendment as described in Chapter 12.136.

F. Development Plan—Contents. The applicant shall submit a preliminary development plan showing the area involved and containing the following:

1. Circulation pattern, indicating both public and private street;

2. All parks, playgrounds, school sites, public facilities, open space, and other such uses;

3. The land uses, indicating the approximate areas to be used for various purpose, the acreage and percentage of total area in each land use, the population densities, the lot area per dwelling unit (excluding public street area), the percentage of area covered by buildings, pavement and extent of grading, and land uses on adjacent parcels;

4. A map showing the topography of the proposed district at one-foot contour intervals in areas of cross slopes of less than five percent, at two-foot contour intervals in areas of five percent through ten percent cross slopes, and at five-foot contour intervals in areas exceeding ten percent cross slope;

5. A market analysis for proposed commercial developments;

6. All the information necessary to allow the city to draft any required environmental impact report; plus, a fee to cover the city's cost in preparing the draft EIR;

7. A geological and soils analysis which shall contain an adequate description of the soils and geology of the site and conclusions and recommendations regarding the effect of the soil and geological conditions on potential grading, excavations, street and utility improvements and structures;

8. A development schedule indicating the approximate date on which the construction of the project can be expected to begin, the anticipated rate of development, and the completion date. There shall also be included, if applicable, a delineation of units or segments to be constructed in progression;

9. Proof of ownership of the properties proposed for reclassification or written approval from the owners of record to seek development plan approval and reclassification.

The above contents may be modified by the planning director.

G. Development Plan—Hearing and Findings for Approval. The planning commission shall hold a public hearing pursuant to the provisions in Chapter 12.132. The commission may then recommend the establishment of the P-D district; and

the city council, after a public hearing, may, by ordinance, establish a P-D district, provided they find that the facts presented at the hearings establish that:

1. The proposed P-D district can substantially be completed within the time schedule submitted by the applicant;

2. Each unit of the development, as well as the total development, can exist as an independent development capable of creating an environment of sustained desirability and stability or adequate assurance that such objective will be attained;

3. The land uses proposed will not be detrimental to the present or potential surrounding uses but will have a beneficial effect which would not be achieved through other districts;

4. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P-D district;

5. Any proposed commercial development can be justified economically at the location proposed and will provide adequate commercial facilities for the area;

6. Any exceptions from the standard district requirements are warranted by the design of the project and amenities incorporated in the development plan; and

7. The area surrounding the development can be planned and zoned in coordination and substantial compatibility with the proposed development and the P-D district uses proposed are in conformance with the general plan of the city.

H. Development Plan—Denial; Approval with Conditions.

1. Establishment of the P-D district shall occur coincidentally with the approval of the development plan.

2. If, from the facts presented, the planning commission or the city council fails to make the necessary findings, the application shall be denied.

3. The planning commission may recommend disapproval of the development plan as submitted or may recommend approval of the development plan, subject to specified amendments and modifications. No amendment or modifications to the development plan shall be recommended or made without consent of the applicant. If the applicant does not agree to the suggested changes, the commission shall recommend disapproval of the development plan.

4. The commission shall not make a favorable recommendation to the council, nor shall the council adopt an ordinance classifying a parcel P-D, without coincidentally or previously having approved the development plan.

I. Development Plan—Amendment or Modification, Reclassification, Null and Void.

1. All amendments or modifications to an approved development plan shall be made in accordance with the procedure set forth for amending the zoning ordinance in Chapter 12.136. The planning director may, however, approve or conditionally approve minor adjustments to the original development plan, provided said adjustments do not conflict with the concept or intent of the development plan originally approved by the commission or council.

2. If, in the opinion of the commission or council, the development in a P-D district is failing or has failed to meet the requirements of the development plan, or any part thereof, the commission or council may initiate proceedings to reclassify the property to another zoning district.

3. Development plans approved in accordance with the provisions of this section shall become null and void if a planned development permit is not filed with the commission within one year after the effective date of the ordinance adopting the approved development plan. Such time limitation shall be subject to reasonable extensions upon a showing by the applicant of extraordinary or uncontrollable circumstances warranting such extensions.

J. Planned Development Permit (PDP)—Submission. Prior to the issuance of a building permit in any parcel zoned P-D, the owner or applicant shall procure a planned development permit from the planning commission. Prior to planning

commission approval of any application for a planned development permit, owner or applicant shall submit the following to the commission:

1. A tentative subdivision map (when either par-celization of the property or a condominium project is proposed);

2. Proposed landscaping and irrigation plan;

3. Proposed engineering plans, including site grading, street improvements, drainage, and other public utilities, which plans, when approved by the commission shall not be construed to mean that the plans will constitute the final improvement plans for the subdivision. The city engineer, after detailed design studies, may require modifications and/or additional plans and specification, if such additional requirements clearly follow the spirit and intent of the approved specific plan;

4. Proposed building plans, including floor plans and exterior elevations indicating the materials, color scheme, and treatment of surfaces;

5. Proposed plans for recreational facilities;

6. Generalized parking plans;

7. Proposed plot plans, showing building locations on each lot, building setbacks, and lot dimensions; and

8. Where applicable, as a result of findings on site conditions and detailed site planning, supplemental information or revisions to the environmental impact report prepared pursuant to the provisions of the city and state EIR guidelines;

9. A fee, as set by the city council.

Except for the fee, the submittal requirements may be modified by the planning director.

K. Planned Development Permit (PDP)—Hearing, Approval, Denial.

1. Prior to taking action on a PDP application, the commission shall conduct a public hearing in accordance with the procedures set forth in Chapter 12.132.

2. In its determination of a planned development permit application, the planning commission shall not be bound by a prior city council or planning commission approval of any development plan. The planning commission may approve, approve conditionally, or disapprove the planned development permit as presented. No grading, subdivision, or development shall be permitted in any P-D district, or any unit thereof, until the planned development permit for such district, or unit thereof, has been approved by the planning commission.

3. The owner or developer may submit a PDP application for a portion or unit of a parcel designated P-D, provided the development plan indicated the intention of the development of such parcel by units and established a time schedule for such development.

4. Prior to approving any planned development permit application the planning commission must find that the proposed planned development permit is consistent with the previously approved development plan.

L. Appeals. Any person may appeal to the city council any order, requirement, decision or determination of the planning commission for a planned development permit, as provided for in Chapter 12.140. (Ord. 1410 § 1 (part), 1982: prior code § 27-7.19)

12.96.200 Zoning regulations and development standards for the U.S. Navy site and its environs specific plan area.

A. Purpose. The purposes of the establishment of zoning regulations and development standards of the U.S. Navy site and its environs specific plan area are to develop a compact and interactive community based on the principles of transit-oriented development, offering multifamily and senior-assisted living, work place opportunities, potential child-care and recreational facilities, and a major hotel and ancillary services, with convenient pedestrian-friendly access to adjacent transit facilities, retail and entertainment services, and neighborhood amenities.

B. Zoning Regulations and Development Standards—Establishment and Application.

The zoning regulations and development standards for the U.S. Navy site and its environs specific plan area are established as set forth in the

U.S. Navy site and its environs specific plan, as adopted by the city council by resolution No. 2001-02 on January 9, 2001. (Ord. 1635 § 1, 2001)

Chapter 12.100

OFF-STREET PARKING AND LOADING

Sections:

12.100.010 Scope.

The off-street parking and loading provisions of this chapter shall apply as follows:

A. For all buildings and structures erected, and all uses of land established after September 9, 1982, parking and loading facilities shall be provided as set forth in this chapter.

B. When the intensity of use of any building, structure or premises would be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement set forth in this chapter for required parking or loading facilities, parking and loading facilities as set forth in this chapter shall be provided for such increase in intensity of use.

C. Whenever the existing use of a building or structure is changed to a new use, parking or loading facilities shall be provided as required for such new use. If such building or structure was erected prior to September 9, 1982, additional parking or loading facilities shall be mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this chapter. (Ord. 1410 § 1 (part), 1982: prior code § 27-8.1)

12.100.020 Facilities for existing buildings.

Accessory off-street parking or loading facilities which are located on the same site as the building or use served and which were in existence on September 9, 1982, or were provided voluntarily after such date, shall not be reduced below, or, if already less than, shall not be further reduced below, the requirements of this chapter for a similar new building or use. (Ord. 1410 § 1 (part), 1982: prior code § 27-8.2)

12.100.030 Facilities for reconstructed or repaired buildings.

If a conforming building or use was in existence on September 9, 1982, and was subsequently damaged or destroyed, the building may be repaired or reconstructed only for the use reestablished, as provided in Chapter 12.92. Parking or loading facilities equivalent to those maintained at the time of such damage or destruction shall be restored and continued in operation. (Ord. 1410 § 1 (part), 1982: prior code § 27-8.3)

12.100.040 Computation of fractional spaces.

When the determination of the number of required off-street parking and loading spaces results in the requirements of a fractional space, any fraction shall require one off-street parking or off-street loading space. (Ord. 1410 § 1 (part), 1982: prior code § 27-8.4)

12.100.050 Use of parking and garage facilities.

Off-street parking and garage facilities accessory to residential uses shall have no use which interferes with the primary use of the parking and storage of motor vehicles belonging to the occupants of the dwelling structure, the guests of such occupants or those having written permission from such occupants. Under no circumstances shall required parking and garage facilities accessory to residential structures be used for the parking or storage of commercial vehicles or motor vehicles belonging to the employees, owners, tenants, visitors or customers of business or manufacturing establishments.

If any open garage or carport is used for the parking or storage of any recreational vehicle other than a motor vehicle, such open garage or carport shall be screened to at least six feet height and may be higher if approval is obtained from the planning director. (Ord. 1410 § 1 (part), 1982: prior code § 27-8.5)

12.100.055 Vehicle and equipment repair on residential property.

A. For the purposes of this section, "vehicle" is as defined by the California Vehicle Code, and including any motor or motor-driven cycle.

B. Servicing, repairing, assembling, wrecking, modifying, restoring, or otherwise working on any vehicle on any residential property in any zoning district shall be subject to the following:

1. Such vehicle must be registered to the address to where the work is taking place, or registered to the person performing the work upon the vehicle, or to a member of his or her immediate family, which shall be limited to parents, grandparents, spouse, brother, sister or children.

2. Work outside of an enclosed garage area is limited to minor repair and maintenance, including replacement of the alternator, generator, starter, water pump, battery or brake parts, change of oil or filter, fan or other motor driven belts, hoses, lamp replacement, repair of flat tires, lubrication, engine tune-up, and similar routine and preventive maintenance work.

3. Such work shall be done only between the hours of eight a.m. and ten p.m.

4. Such work shall not be done in a public right of way.

5. Such work shall not be conducted upon more than one vehicle at any one time.

6. Storage of parts for vehicles upon the property shall be limited to those parts necessary for minor repair of a vehicle. Storage of more than five gallons of any Class 1 flammable liquid is prohibited.

7. Parts which cannot be located within an accessory building shall be screened from view.

8. Welding is not permitted inside an enclosed garage area.

9. Upon completion of any work allowed by this section, the property shall be cleaned of all debris, oil, grease, gasoline, brake and other fluids, cloths, rags, any equipment or material used in the work and shall be left in such a condition that no hazard to person shall remain.

C. This section precludes auto repair on residential property by any commercial entity or by any individual for any compensation in any form.

D. Violation of this section or any subsection of this section shall constitute an infraction. (Ord. 1528 § 1, 1991)

12.100.060 Parking in required yards—Residential.

No motor vehicle may be parked or stored in any visible front yard or sideyard, whether improved or unimproved, within any residential zone except that operable motor vehicles or trailers, boats, camper structures/shells, off-road vehicles, motorcycles, snowmobiles, jet-skis, and other similar recreational vehicles may be parked upon any garage apron or driveway.

A. "Garage apron or driveway" means that paved area not exceeding the width of the garage entrance by more than six inches on either side of the garage entrance.

B. "Operable motor vehicle or trailer" means that the motor vehicle or the trailer upon which the recreational vehicle is stored bears a current registration, and that the vehicle or trailer has all parts and equipment necessary, is in running order and has the ability to operate legally and safely on the public streets.

C. Front Yard Parking—Notwithstanding the above, parking of operable motor vehicles or trailers, boats, camper structures/shells, off-road vehicles, motorcycles, snowmobiles, jet-skis, and other similar recreational vehicles will be permitted within that front yard area closest to the property line adjacent to a garage, garage apron or driveway, provided that such area is paved with stone, brick, asphalt, concrete or other such similar material.

D. Side Yard Parking—Notwithstanding the above, parking of operable motor vehicles or trailers, boats, camper structures/shells, off-road vehicles, motorcycles, snowmobiles, jet-skis and other such similar vehicles will be permitted within that sideyard area between the property line and the adjacent garage, provided:

1. Such area is paved with stone, brick, asphalt, concrete or other such similar material.

2. There is a six-foot, sight-obscuring fence or landscaping along the side property line.

3. There is a six-foot, sight-obscuring fence perpendicular to the side property line, and extending from the garage building to the side property line.

4. Side yard areas may not be used for the storage of inoperable motor vehicles originally intended for highway use.

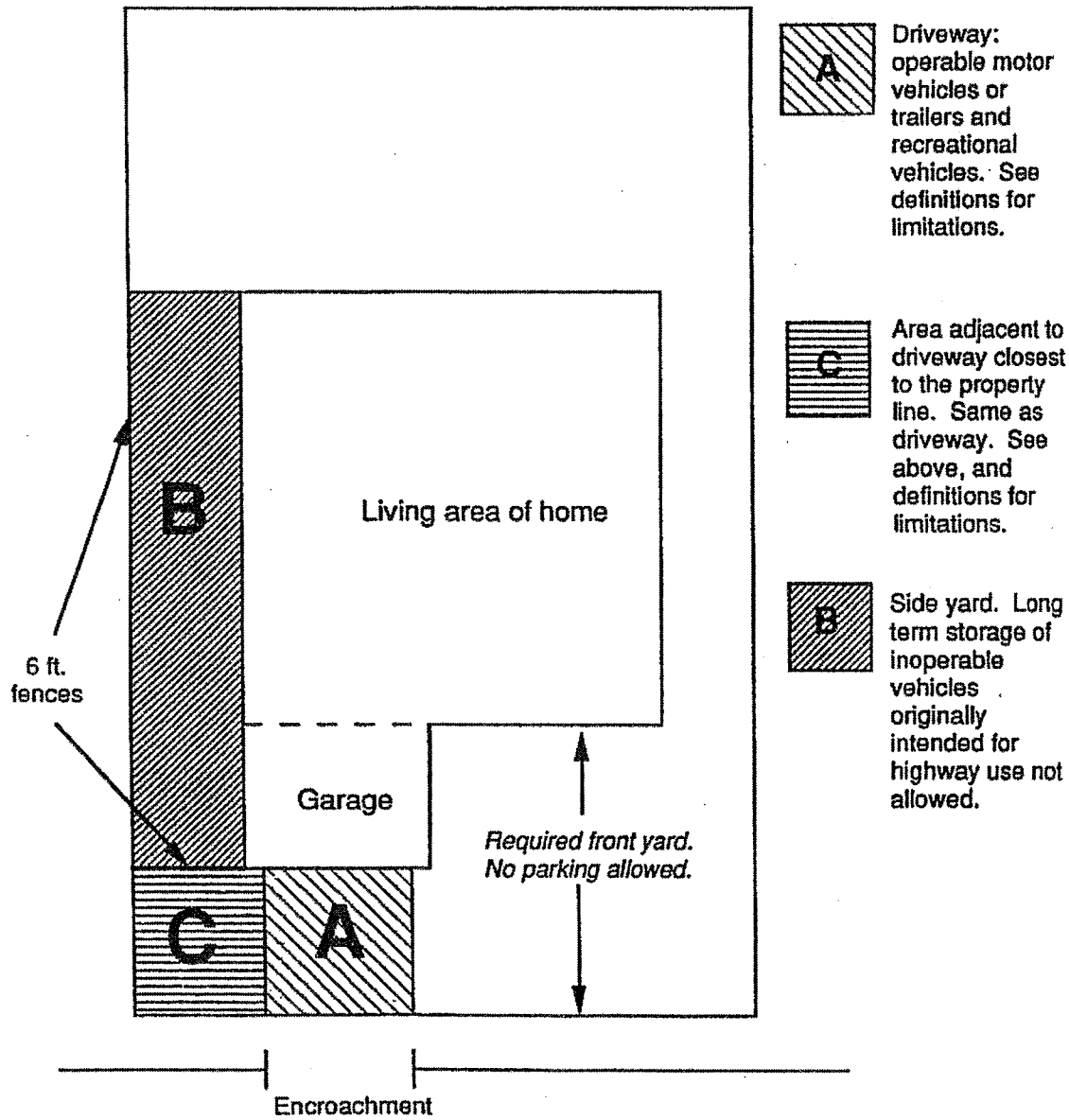
E. Residential garage driveway encroachments (curb cuts) may not be expanded to accommodate permitted front yard or sideyard parking.

F. Violations of this section shall constitute an infraction.

Figure 12.100.060

Allowable Residential Parking, after Measure K

Note: All parking areas must have some sort of surface (cement, brick, asphalt, etc.) to prevent any leakage from penetrating the ground, and also to discourage rodents. Please refer to Traffic Code Sec. 7.32 and Zoning Code Sec. 12.100.060 for additional details and definitions.



(Ord. 1525 § 2, 1991: Ord. 1410 § 1 (part), 1982: prior code § 27-8.6)

12.100.070 Parking commercial vehicles and construction equipment.

It shall be unlawful to park, store or cause to be maintained on any lot or parcel of land in any residential district, any commercial vehicle or special construction equipment, as defined in the Vehicle Code. The parking of a commercial truck or van not exceeding three-fourths ton in rating shall be permitted on a lot or parcel in a residential district so long as such parking is not otherwise prohibited by law.

A. Parking on Vacant Lots/Parcels in Residential and Commercial Use Districts. No person shall park a vehicle on a vacant lot or parcel in any residential or commercial use district unless such use is authorized by a conditional use permit, as set forth in Chapter 12.112, and such lot or parcel used for such purpose is surfaced and maintained in accordance with the requirements of such use permit. The planning director may permit the temporary use, not to exceed sixty days, of any unimproved lot or parcel for the parking of vehicles in connection with a special event.

B. Parking on Vacant Lots/Parcels in Conjunction with Construction. The temporary use of vacant lots or parcels for the parking of motorhomes, trailers or mobile homes as construction offices, or for the storage of equipment or materials or for security purposes may be permitted by the planning director, provided that the parking is in conjunction with construction on the same lot or building site and meets the following conditions:

1. Building plans for new construction must be submitted and a building permit issued before the occupancy of the motorhome, trailer, or mobile home.

2. The occupancy shall not exceed nine months after the issuance of a permit for a residential project, or six months for nonresidential project unless otherwise extended by the planning commission.

C. Temporary Use of Motorhome, Trailer, or Mobile Home as Commercial Office. Motorhomes, trailers or mobile homes may be used as temporary commercial offices, such as for a bank or real estate office during the construction of permanent facilities, under the following conditions:

1. Building plans for new construction must be submitted and a building permit issued before the occupancy of the motorhome, trailer, or mobile home.

2. The occupancy shall not exceed six months unless otherwise extended by the planning commission.

3. Application for this permit shall be made through the architectural review permit procedure.

D. Parking on Vacant Lots/Parcels in Conjunction with Vehicle Repairs. No person shall repair or modify any vehicle or install any part or accessory on any vehicle while such vehicle is on any vacant lot or parcel. (Ord. 1410 § 1 (part), 1982: prior code § 27-8.7)

12.100.080 Design standards for parking facilities.

A. Location of Parking Facilities. The location of off-street parking and garage spaces in relation to the use served shall be set forth in this section. All distances set forth in this section shall be the walking distance between such parking spaces and a main entrance to the use served.

1. Residential Districts. Parking and garage spaces accessory to dwellings shall be located on the same zoning lot/parcel as the use served. Spaces accessory to uses other than dwellings (such as churches) may be located on a lot/parcel adjacent to, or directly across the street or alley from the lot/parcel occupied by the use served, but in no event at a distance in excess of one hundred feet from such use.

2. Commercial Districts. All required spaces shall be located on the same zoning lot/parcel as the use served in commercial districts. Upon securing a use permit, required parking spaces may be provided up to four hundred feet from the use. Parking spaces accessory to a commercial use may be located in a residential district, subject to obtaining a use permit therefor.

B. Size of Parking Spaces.

1. All required off-street parking spaces shall be at least eight and one-half feet wide by eighteen feet in length, exclusive of access drives or aisles, except that parallel parking stalls shall be ten feet by twenty feet. All required off-street parking spaces shall be of usable shape, location and condition. The unobstructed vertical clearance shall be not less than seven feet over the entire area.

2. Each residential off-street parking space, whether within a garage or within a carport, shall be at least ten feet wide by twenty feet in length for each such parking space.

3. An illustrative Parking Dimension Table is attached as Figure 1, although indicated dimensions and angles may be modified upon approval by the city engineer and the planning director.

4. The minimum dimensions of a parking space for handicapped persons shall be as described in the current version of Part 2, Title 24 of the California Administrative Code.

5. Development, change in use, intensification of use or lapse in use such that in any such event a discretionary permit is required from the city of San Bruno, shall require that all off-street parking spaces for that use shall meet these design standards; however, the planning commission and/or city council may modify or amend these standards as a condition of the discretionary permit for any reasonable purpose.

6. In those instances in which parking spaces are provided in excess of the minimum number required by this chapter, all such excess parking spaces which are available for use by the public shall be of a size and dimension in conformance with this section.

C. Access to Parking Facilities.

1. Each required off-street parking space or garage space for residential uses shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed in a manner which will least interfere with traffic movements.

2. In multiple family districts, street access to all parking spaces shall be limited to fifty percent of the total lot frontage, but in no event shall such access be greater than fifty feet. No off-street parking spaces shall be permitted with access directly from a public street.

3. With agreement of participating owners, a common driveway may be utilized to provide access to parking facilities on adjacent properties. Such common driveways shall be a minimum width of twenty-four feet, with at least a ten-foot easement on each parcel. Easements for the common use of the driveway shall be recorded in the office of the county recorder.

4. The minimum width for single-family and multiple family residential driveways shall be twelve feet for single driveways and twenty-four feet for double driveways, measured at the face of the curb.

5. No residential driveway shall be located closer than ten feet from the curb return on corner lots.

6. Residential driveways shall be designed to provide at least one on-street parking space for each lot. Off-street parking in the form of parking bays may be substituted in lieu of such on-street requirement.

7. Single-family residential driveways on lots with more than fifty-foot frontages may exceed the requirement of a single driveway entrance if the purpose of the driveway is to create more off-street parking. In no event shall the driveway access exceed more than fifty percent of the total lot frontage or forty feet. Driveways shall be designed to provide at least one on-street parking space for each lot.

8. The minimum width for any commercial driveway shall be thirty-two feet at the face of the curb. Where more than one driveway is to serve a given property frontage, the total width of all driveways shall not exceed seventy percent of the frontage where such frontage is one hundred feet or less. Where the frontage is more than one hundred feet, the total driveway width shall not exceed sixty percent of the frontage width. No commercial driveway shall be located closer than ten feet from the curb return on corner lots.

D. Surfacing of Parking Areas. All open off-street parking areas shall be surfaced with plant mix asphalt, concrete or other surfacing in conformance with current city standards. Said material shall be placed on a five-inch compacted sub-base. All residential driveways inside of property lines shall be paved full width with concrete a minimum of three and one-half inches in thickness placed on properly compacted soil, or, if paved with asphaltic surfacing, such surfacing shall be a minimum of four inches of thickness.

E. Border—Barricades, Screening and Landscaping. Every parking lot, either public or private, having a capacity of five or more vehicles shall be developed and maintained as follows:

1. Every parking area that is not separated by a fence from any street or alley property line upon which it abuts, in areas where vehicle conflict is occasioned, or where vehicles are compelled or encouraged to extend over pedestrian aisles or walkways, shall be provided with a concrete curb, timber barrier or other suitable device not less than two feet from such street, alley or front of parking space or walkway. Such curb or barrier shall be securely installed and maintained.

2. Subject to approval of the planning director, every parking area abutting residentially zoned property, regardless of street or alleys, shall be separated from such property by a solid wall, view-obscuring fence, or compact evergreen hedge six feet in height measured from the finished surface of such parking lot, provided that along the street side or along alleys used for access to such parking areas, said wall, fence, or hedge shall not exceed thirty-six inches in height. No such wall, fence or hedge need be provided where the elevation of that portion of the parking area immediately adjacent to an R zone is six feet or more below the elevation of such R zone property along the common property line.

3. All required parking lots shall have at least five percent of the gross area in landscaping. The specie of plants and their location shall be shown on the required parking lot plan. Their arrangement shall not cause visual obstruction to traffic safety. Efforts should be made to landscape all land not needed for aisles, walks, turning areas, entrances and exits.

F. Lighting of Parking Areas. Any lighting used to illuminate off-street parking spaces shall be directed away from residential properties in such a way as not to create a nuisance. (Ord. 1494 § 2, 1988; Ord. 1410 § 1 (part), 1982: prior code § 27-8.8)

12.100.083 Designated parking spaces.

For all commercial, office or industrial uses, unless otherwise modified by zoning standards, variance, conditional use permit or exception, no more than ten percent of the required off-street parking spaces shall be assigned or designated for the limited or exclusive use by specific individuals or employees, or for the exclusive use of a specific business.

A. Required handicapped parking spaces are excluded from the calculation of the total number of designated parking spaces permitted by this section. (Ord. 1494 § 3, 1988)

12.100.086 Vehicle service stalls.

Vehicle service stalls, vehicle service bays, installation stalls, vehicle hoists, vehicle racks, vehicle test areas, fuel pumping areas or any such area designed for the servicing, repair, testing or equipment installation to or upon a vehicle shall be separate and distinct from parking spaces, and shall be excluded from the calculation of the total number of parking spaces required by this chapter. (Ord. 1494 § 4, 1988)

FIGURE 1
PARKING DIMENSION TABLE

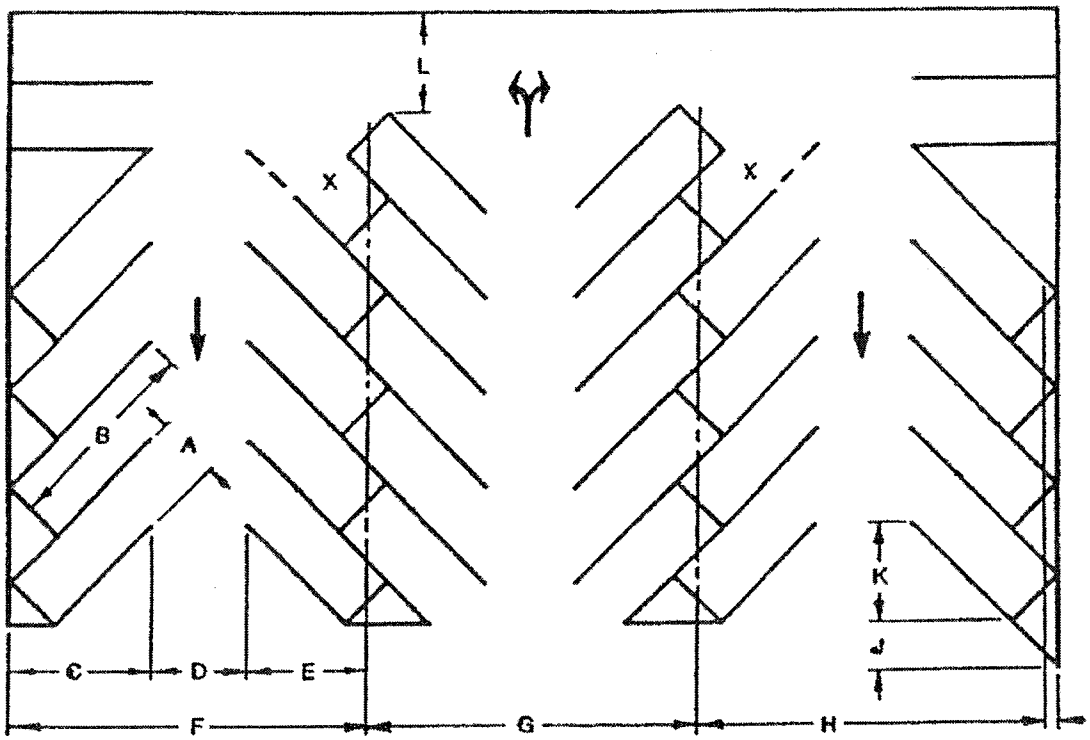


FIGURE 1 PARKING DIMENSION TABLE					
DIMENSION	**DIAGRAM**	**45°**	**60°**	**75°**	**90°**
Stall Width, Parallel to Aisle	A	12.00	9.80	8.80	8.50
Stall Length	B	26.50	22.90	20.20	18.00
Stall Depth (to wall)	C	18.70	19.80	19.60	18.00
Aisle Width Between Stall Lines	D	12.00	16.00	20.00	24.00
Stall Depth to Interlock	E	15.70	17.70	18.50	18.00
Module F, Wall to Interlock	F	46.40	53.50	58.10	60.00
Module G, Interlocking	G	43.40	51.50	57.00	60.00
Module H, Interlock to Curb Face	H	44.90	51.80	56.20	60.00
Bumper Overhang	I	1.50	1.70	1.90	2.00
Offset	1	6.00	2.50	0.60	0.00
Setback	K	12.70	9.00	4.70	0.00
Cross-Aisle One-Way	L	14.00	14.00	14.00	14.00
Cross-Aisle Two-Way	L	24.00	24.00	24.00	24.00
Parallel parking stalls shall be 20′ x 10′. For on-street parking, use the above dimensions, adding 16 feet to dimension "D" for 45° parking, 12 feet for 60° parking, 5 feet for 75° parking and 2 feet for 90° parking. Dimension "D" for parallel parking shall be 28 feet.					

(Ord. 1494 § 8, 1988)

12.100.090 Number of parking spaces required.

Except as specifically required in applicable zoning regulations, the number of off-street parking spaces shall not be less than that specified below. When an addition is made to an existing building, only the square footage in such addition need be used in computing the required off-street parking.

Uses	Parking Spaces Required
RESIDENTIAL:	
Single-family, two-family and condominium dwelling units	Two-car garage or carport for each unit, except homes with more than 2,800 square feet of living area shall provide a three-car garage or carport for each unit.
Multiple dwellings	
Studio	1.5 parking spaces per unit. One (1) covered parking space shall be provided for each studio unit.
One or more bedrooms	Two (2) covered parking spaces per unit In all instances, guest parking shall consist of 0.1 spaces per unit.
Mobile home parks	Two (2) parking spaces for each site. Parking may be in tandem. In addition, one (1) space for each ten (10) sites for the laundry and recreational facilities
Roominghouses, lodging houses, clubs and fraternities having sleeping rooms	One (1) parking space for each two (2) sleeping rooms
Sanitariums, children's homes, homes for the aged, asylums, and nursing homes	One (1) parking space for each three (3) beds
RETAIL/COMMERCIAL:	
Adult bookstore	One (1) space for each two hundred fifty (250) square feet of gross floor area
Adult entertainment facility and adult motion picture	One (1) off-street parking space for each ten (10) seats or equivalent theater

Uses	Parking Spaces Required
Automobile accessory shops	One (1) parking space for each six hundred (600) square feet of gross floor area
Automobile service stations	Three (3) parking spaces, plus one (1) parking space for each stall
Banks and savings and loans	One (1) parking space for each two hundred (200) square feet of gross floor area
Barber shops and beauty salons	Two (2) parking spaces for each chair or for each six hundred (600) square feet of gross floor area, whichever is greater
Boat/trailer sales	One (1) space per five thousand (5000) square feet of lot area
Furniture and large appliance stores (including but notlimited to selling of TV's, refrigerators, stoves, stereophonic consoles, washing machines, clothes dryers)	One (1) parking space for each eight hundred (800) square feet of gross floor area
Hotel and motel	One (1) parking space for each sleeping unit, plus one (1) additional space for the resident manager
Massage establishments	One (1) off-street parking space for each four hundred (400) square feet of gross floor area
Medical, dental and clinics	One (1) parking space for each two hundred (200) square feet of gross floor area
Motor vehicle, machinery sale, and repair garage (excluding motorcycles)	One (1) parking space for each one thousand (1000) square feet of display floor area; one (1) space for each eight hundred (800) square feet of storage area; one (1) space for each two hundred fifty (250) square feet of office floor area; and one (1) space for each two hundred fifty (250) square feet of garage floor area
Motorcycle sales and repair	One (1) parking space for each two hundred fifty (250) square feet of gross floor area

Uses	Parking Spaces Required
Nurseries, open retail, and vehicle sales lots not of lot area otherwise specified	One (1) parking space for each one thousand (1000) square feet
Offices—general, business and professional	Four (4) parking spaces, or one (1) parking space for each three hundred (300) square feet of gross floor area, whichever is greater
Restaurants, bars, nightclubs and others:	
Having less than four thousand (4000) square feet of floor area	One (1) parking space for each one hundred (100) square feet of gross floor area
Having four thousand (4000) square feet or more	Forty (40) parking spaces, plus one (1) for each fifty (50) square feet of gross floor area over four thousand (4000) square feet
Drive-in, drive-ups, and drive-throughs	Twenty (20) parking spaces, plus one (1) for each one hundred (100) square feet of gross floor area
Specialty restaurants	One (1) space for each one hundred fifty (150) square feet of gross floor area
Retail—general—except as otherwise specified herein	One (1) parking space for each two hundred fifty (250) square feet of gross floor area
Shopping center (for the purpose of this chapter, a shopping center shall have a minimum lot area of three (3) acres and have multiple uses)	One (1) parking space for each two hundred (200) square feet of gross floor area
Tailor shops, shoe repair	Three (3) parking spaces, or one (1) parking space for each six hundred (600) feet of gross floor area, whichever is greater
Theaters	One (1) parking space for each five (5) seats, or one (1) parking space for each thirty-five (35) square feet of assembly area
Veterinary hospitals, veterinary offices, and kennels	One (1) parking space for each two hundred (200) square feet of examining and operating areas, plus one (1) parking space for each four hundred (400) square feet of additional floor area

Uses	Parking Spaces Required
INDUSTRIAL:	
Manufacturing uses, research and testing laboratories, food processing, printing and engraving shops	One (1) parking space for each five hundred (500) square feet of open or enclosed area devoted to the primary use, plus one (1) space for each vehicle used in conjunction with the business
Personal storage building	One (1) space for each five thousand (5000) square feet of gross floor area
Salvage yards, junkyards, auto wrecking yards, storage yards, lumberyards and similar uses	One (1) parking space per employee on the largest shift, or one (1) space per five thousand (5000) square feet of lot area, whichever is greater
Transportation terminals and study has been performed facilities, and public utilities uses	Adequate number as determined by the planning commission after special
Truck terminals	One (1) parking space for each three thousand (3000) square feet of lot area
RECREATIONAL:	
Amusement game centers:	
Having less than four thousand (4000) square feetof floor area	One (1) parking space for each one hundred (100) square feet of gross floor area
Having four thousand (4000) or more square feet of floor area	Forty (40) spaces, plus one (1) space for each fifty (50) square feet in excess of four thousand (4000) square feet of gross floor area
Auditoriums, and other places of public assembly	One (1) parking space for each five (5) seats and one (1) space for each one hundred (100) square feet of assembly area not having fixed seats
Bowling alleys	Four (4) parking spaces for each bowling alley

Uses	Parking Spaces Required
Gaming clubs:	
Having less than four thousand (4000) square feet of gross floor area	One (1) parking space for each one hundred (100) square feet of gross floor area
Having four thousand (4000) or more square feet of floor area	Forty (40) spaces, plus one (1) space for each fifty (50) square feet in excess of four thousand (4000) square feet of gross floor area The above requirements are in addition to any parking facilities provided by assessment district.
Games and athletic courts	Two (2) parking spaces for each five (5) seats, plus one (1) for each two hundred (200) square feet of recreational floor area
Golf driving ranges	One (1) parking space for each driving tee
Miniature or pitch and putt golf courses	Three (3) parking spaces for each hole, or two (2) for each hole plus the requirement for the accessory uses, whichever is greater
Stadiums, sports arenas and golf courses	Adequate number as determined by the planning commission after special study has been performed
Swimming pools	One (1) parking space for each one hundred fifty (150) square feet of gross water surface area
MISCELLANEOUS:	
Churches, chapels, religious meeting halls, and accessory uses	One (1) parking space for each five (5) seats, or one (1) parking space for every one hundred (100) square feet of gross floor area for assembly areas without fixed seating; twenty-two (22) inches of linear bench constitutes one (1) seat
Clubs and lodges	One (1) parking space for each five (5) seats and one (1) space for each one hundred (100) square feet of assembly area not having fixed seats
Hospitals	One and one-quarter (1.25) parking spaces for each bed

Uses	Parking Spaces Required
Libraries and museums	One (1) parking space for each two hundred fifty (250) square feet of gross floor area
Mortuaries	One (1) parking space for each fifty (50) square feet of gross assembly floor area
Schools—private and public:	
Day care facilities	Three (3) parking spaces, plus one (1) space for each employee
Colleges	Adequate number as determined by the planning commission after special study has been performed
Grade schools, elementary and junior high schools	One (1) parking space for each employee and faculty member
Senior high schools	One (1) parking space for each employee, plus one (1) space for each three (3) students for which the facility is designed
Trade schools, business colleges, and commercial schools	One (1) parking space for each one and one-half (1.5) students of the maximum capacity for the classroom, plus one (1) space for each faculty member

(Ord. 1476 § 9, 1987; Ord. 1410 § 1 (part), 1982: prior code § 27-8.9)

12.100.100 Required loading spaces.

A. Non-mall-type Loading Spaces. There shall be provided and maintained in all districts on the same zoning lot or parcel with every building, or portion thereof, having a gross floor area of five thousand square feet or more, which building is to be occupied for the manufacturing, display, storage, or warehousing of goods, for retail sales or as a hotel, hospital, mortuary, laundry, dry-cleaning establishment or for other uses similarly requiring the receipt or distribution by vehicles of materials or merchandise, at least one off-street loading space; plus one additional off-street space, for each twenty thousand square feet of gross floor area in the building may be required.

B. Mall-type Loading Spaces. Off-street loading spaces for mall-type commercial or industrial developments shall be provided as required by the commission; provided, however, in no event shall the requirement be less than one loading space for every building having a gross floor area of five thousand square feet or more. One additional off-street loading space for each twenty thousand square feet of gross floor area in the building may be required.

C. Unspecified Loading Spaces. Loading spaces adequate in number and size shall be provided as required by the commission for uses not otherwise provided for in this chapter.

D. Location of Loading Facilities: Screening. All loading spaces shall be provided on the

same zoning lot or parcel as the use served. Wherever possible, loading shall take place on the side or in the rear of the building. In districts abutting a residential district, all loading and unloading facilities shall be screened by a six-foot high, sight-obscuring fence or hedge.

E. Size of Loading Spaces. Unless otherwise specified, loading spaces shall measure ten feet in width and twenty-five feet in length, exclusive of aisles and maneuvering space, and shall have a vertical clearance of fourteen feet.

F. Surfacing of Loading Spaces. All open off-street loading spaces shall be surfaced with plant mix asphalt, concrete or other surfacing so as to provide a durable, dust-free, all weather surfacing which shall meet the requirements of all applicable laws, and the approval of the building inspector.

G. Use of Loading Spaces for Parking. Spaces allocated to any off-street loading and unloading space shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities, or portion thereof. (Ord. 1410 § 1 (part), 1982: prior code § 27-8.10)

12.100.110 Parking for handicapped persons.

Parking spaces specifically designed, located and reserved for vehicles licensed by the state for use by handicapped persons shall be provided according to the following schedule:

Total Spaces	Required Minimum Handicapped Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
over 1000	20 plus one (1) for each 100, or fraction thereof over 1001.

(Ord. 1410 § 1 (part), 1982: prior code § 27-8.11)

12.100.120 Exceptions.

A. Applications—Issuance. In the event of particular difficulties or undue hardship, the commission may, after a proper hearing, grant exceptions to the provisions of this chapter. Applications for exceptions shall be made and exceptions may be granted pursuant to the procedures set forth in Chapter 12.124 for the granting of variances; provided that in approving the exception(s), the commission need adopt only the following findings:

1. The strict application of the provisions of this chapter would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property;

2. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this chapter as are reasonably possible.

B. Parking Assessment District. The off-street parking requirements set forth in this chapter may be reduced or eliminated by commission resolution for any building or use located in a parking district established by the city council in connection with land which has been acquired for public parking purposes if the commission finds that the parking needs for the particular structure or use are substantially met by the parking spaces provided in the district. The commission shall not reduce or eliminate such requirements of special off-street parking requirements as provided for that use pursuant to Chapter 12.84. (Ord. 1494 § 6, 1988; Ord. 1410 § 1 (part), 1982: prior code § 27-8.12)

12.100.130 Off-street loading spaces.

The off-street loading spaces required by the provisions of this chapter shall only be required where there is a public alley or driveway ease-

ment or where access can be provided from an adjacent off-street parking area. Where only street access is available, loading spaces shall not be required. (Ord. 1410 § 1 (part), 1982: prior code § 27-8.13)

12.100.140 Valet parking.

1. The use of valet parking shall not reduce the number of parking spaces required by this chapter.

2. The use of valet parking in which vehicles, or any of them, are parked off the property site, requires a conditional use permit.

3. The use of valet parking in which the employee or other individual parking cars, parks such vehicles, or any of them, upon any public street, highway or alleyway, is prohibited. (Ord. 1494 § 7, 1988)

Chapter 12.104

SIGNS

Sections:

12.104.010 Purpose.

It is the purpose of this chapter to establish sign regulations:

A. Which create an environment free of visual and economic blight and hazards to public safety caused by signs excessive in number, sign area, and height; signs poorly designed and sited; and signs which are structurally unsafe; and

B. Which provide a reasonable opportunity for individuals and business to identify themselves, the products produced or sold, and the services rendered and the premises they occupy. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.1)

12.104.020 Sign permits required—Fees and prerequisites.

A. Except as otherwise provided in this chapter, no person shall place any sign upon real property unless he or she first shall have applied for and received a sign permit from the building inspector, shall have complied with all applicable provisions of this chapter, and shall have received the approval of the architectural review committee or the planning director, where required.

B. The planning director shall review all applications for business licenses pursuant to this code to determine if the existing or proposed signs to be used on the lot on which the business is to be conducted complies with or will comply with this chapter. He or she shall also review all applications for sign permits to determine whether the sign or proposed sign will comply with the requirements of this chapter.

C. The building inspector shall not issue a permit unless:

1. The planning director has certified that the sign meets the requirements of this chapter and has been reviewed by the architectural review committee, where necessary;

2. The permit fee as established by resolution of the city council shall have been paid; and

3. The express permission of the occupant, owner, lessee, or person having possession of the real property upon which the sign is proposed to be placed shall have been obtained by writing.

D. This section shall not prohibit the placement of any notice or legal advertisement by any public officer as prescribed or required by law. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.2)

12.104.030 General restriction.

A. No off-site advertising display, advertising structure, or sign shall be placed on any lot or landscaped freeway, except:

1. A sign advertising the sale of a subdivision pursuant to Section 12.104.170;

2. A sign advertising the sale or leasing of real property pursuant to Section 12.104.180;

3. A temporary sign placed pursuant to Section 12.104.190 or 12.104.200;

4. An election sign placed pursuant to Section 12.104.210.

B. No sign shall be placed or maintained:

1. Within the following portions of a public street right-of-way: public streets, sidewalks, public benches therein, median divider strips, and traffic islands, except for:

a. Directional signs placed or maintained by or under the authority of the public agency having jurisdiction or control over such right-of-way, and

b. Real estate directional signs pursuant to Section 12.104.180 B, or garage sale signs; provided that no such signs shall be placed in a manner as to unreasonably obstruct or interfere with the free passage or view of the traffic by motorists, pedestrians or other persons using such right-of-way;

2. On any public utility pole, or any fixture or wire attached thereto, except for legal notices or advertisements prescribed or required by law;

3. Without sufficient clearance from energized electrical power lines as prescribed by Section 385 of the Penal Code, and by regulations of the Public Utilities Commission of the state, and by the orders of the State Division of Industrial Safety;

4. So as to prevent free ingress to or egress from any door or window required by this code, or any fire escape;

5. On any light standard, traffic signal, or control mechanism, fire standard or hydrant, or emergency exit;

6. So as to be attached to any standpipe, gutter, drain, or fire escape;

7. So as to obstruct the view of any authorized traffic sign, sign, or device;

8. On any tree.

C. No flashing, running, revolving, scintillating, or similar lights or lighting is permitted.

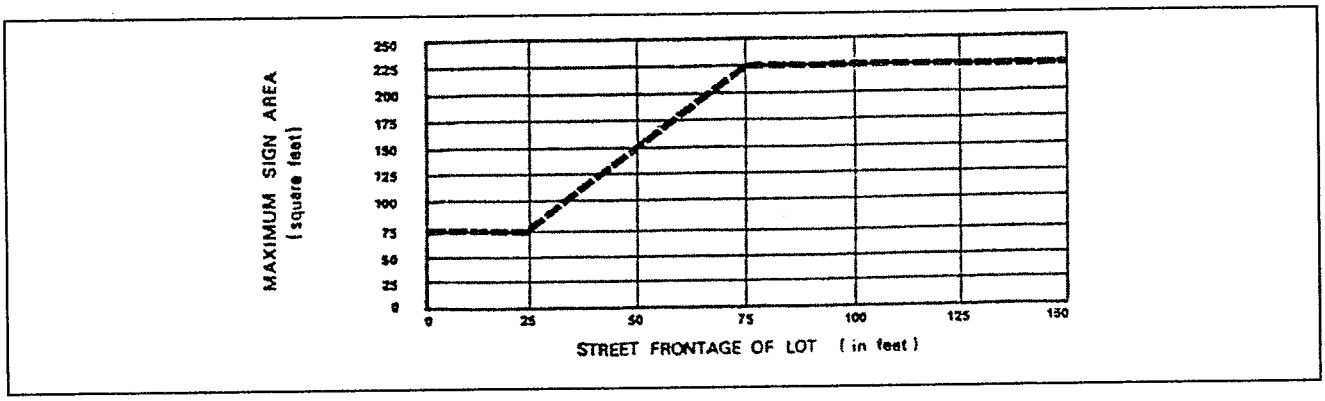
D. Except for barber poles, no revolving signs shall be permitted. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.3)

12.104.040 Signs on nonresidential lots.

Signs on lots in nonresidential zoning districts and on lots in residential zoning districts principally used for nonresidential purposes shall be governed by the provisions of Sections 12.104.050 through 12.104.140, inclusive. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.4)

12.104.050 Aggregate sign area.

A. General Rule. The aggregate sign area permitted for all freestanding signs, wall signs, projecting signs, roof signs, window signs, and individual letter signs for each lot shall be seventy-five square feet for lots with a street frontage of twenty-five feet or less, plus an additional three square feet for each additional foot of street frontage beyond twenty-five feet, up to a maximum of two hundred twenty-five square feet. The limitation is depicted by the following graph.



B. Doubled-faced Signs. For purposes of calculating the aggregate sign area permitted pursuant to subsection A of this section, the sign area of a double-faced sign shall be deemed to be one-half of the total sign area of both faces.

C. Corner Lots; Lots with Multiple Frontage. On a corner lot, or a lot having more than one street frontage, the planning director shall determine the maximum sign area permissible by referring to the street upon which the lot principally fronts.

D. Signs on Rear of Buildings. Additional sign area shall be allowed on the rear of buildings contiguous to public or private parking areas. Such area shall not exceed one-half square foot for each lineal foot of store width, or twenty-five square feet, whichever is smaller.

E. Deviations. Deviations from the aggregate sign area maximum may be approved by the architectural review committee pursuant to Section 12.104.220. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.5)

12.104.060 Freestanding signs.

A. Maximum Height. In the central business district (C-B-D), twenty-five feet from ground level. In other districts, thirty-five feet from ground level.

B. Location. Entirely within lot lines, except as provided in subsection C of this section.

C. Projection from Property Line Over Sidewalk. Maximum, one foot.

D. Minimum Vertical Clearance. Ten feet above sidewalk or adjacent ground.

E. Construction. All freestanding signs shall be constructed entirely of metal or of fire-retardant wood as approved by the fire marshal. They shall be securely attached to posts or supporting structures. Supports shall be set in concrete and the entire sign designed to resist twenty pounds per square foot wind pressure. They shall be constructed to support deadloads otherwise required by this code. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.6)

12.104.070 Wall signs.

A. Location. Flat against the wall of a building or in the front of the cornice over a first-story show window.

B. Projection from Property Line Over Sidewalk. Maximum, one foot.

C. Minimum Vertical Clearance. Seven feet above sidewalk or surrounding ground. The architectural review committee shall have the power to grant deviations from this requirement.

D. Other Regulations.

1. Wood Signs. Wood signs anchored flatwise against a building shall be fastened directly to the wall by wall-secured metal anchors. Such signs shall not have electric lights, tubes, or fixtures attached. Wooden supports or braces shall not be permitted. Such signs shall be constructed entirely of fire-retardant wood as approved by the fire marshal.

2. Metal or Plastic Signs. Any such sign which is parallel to the face of a building shall be deemed to be a projecting sign, and if the projection is over six inches, such sign shall be gov-

erned by Section 12.104.080. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.7)

12.104.080 Projecting signs.

A. Projecting from Property Line Over Public Right-of-way. Maximum, one foot. Barber poles shall not project more than one foot from the face of the building.

B. Minimum Vertical Clearance.

1. Barber poles: Seven feet above sidewalk or surrounding ground.

2. Other signs: Ten feet above sidewalk or surrounding ground.

C. Limit in Number. One projecting sign for any business establishment, facility, or enterprise, except that if the business establishment, facility, or enterprise has frontage on more than one street, there may be one projecting sign for each such frontage.

D. Construction. Projecting signs shall be constructed wholly of metal or plastic conforming to the requirements of the building and electrical codes, or of metal or approved type plastic and glass, or of fire-retardant wood as approved by the fire marshal. They shall be firmly anchored with metal brackets and guys. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.8)

12.104.090 Roof signs.

A. Maximum Height. The height limit of roof signs shall be the height limit for structures in the zoning district in which they are situated.

B. Setback. At least eight feet from the cornice or street front, and four feet from any other wall or cornice of the building.

C. Projections. Maximum above roof of building, twenty-five feet, except as provided in subsection A of this section. Projection over the street right-of-way is not permitted.

D. Space Between Bottom of Sign and Roof. Minimum of six feet.

E. Construction. Roof signs shall be constructed entirely of metal, approved type plastic, or fire-retardant wood approved by the fire marshal, including the support and braces. Roof signs shall be designed to withstand a wind pressure of twenty pounds per square foot of surface. Calculations of design shall be submitted when required by the building inspector. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.9)

12.104.100 Individual letter signs.

A. Maximum Projection. Six inches from the wall of the building.

B. Maximum Vertical Clearance. Seven feet from the sidewalk or surrounding ground. The architectural review committee shall have the power to grant deviations from this requirement.

C. Limit in Number. One such sign per place of business or street exposure.

D. Lighting. Must be behind individual letters.

E. Construction. Sign must be fastened by metal brackets. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.10)

12.104.110 Marquees and awnings.

A. Marquees and awnings may project over a sidewalk in accordance with the building code.

B. The sign copy within a marquee or awning shall be included within the aggregate sign area permitted pursuant to Section 12.104.050. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.11)

12.104.120 Window signs.

A. The aggregate sign area of signs placed in or on a window shall not exceed twenty-five percent of the area of such window.

B. Window signs shall announce, direct attention to, or advertise only:

1. The name or nature of a business on the premises;

2. An occupation of the premises; or

3. The nature or type of goods, service or products produced, sold, stored, or furnished on the premises, including the price thereof. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.12)

12.104.130 Sign illumination.

A. If sign copy is oriented toward a lot used for residential purposes located within fifty feet of the sign, any illumination of such sign shall be extinguished not later then ten p.m., unless a deviation is granted pursuant to subsection B of this section.

B. The planning commission may grant deviations from the requirements of subsection A of this section if it finds that additional hours of illumination are necessary to advertise or identify a business during hours of operation and that such additional period of illumination would not adversely affect the health, safety or welfare of persons residing in the vicinity adjacent to the sign.

C. Deviations pursuant to subsection B of this section may only be granted after public hearings, with notice to owners of real property within one hundred feet of the sign. The procedure for variances shall otherwise be applicable to the granting of such deviations. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.13)

12.104.140 Multiple business signs on one lot.

A. When there is more than one business, establishment, facility, or enterprise on a single lot, no additional sign shall be placed thereon, nor shall any existing sign be replaced unless the planning director shall have reviewed the proposed sign in accordance with this section.

B. The applicant shall submit drawings and sketches showing the proposed type, location, height, color scheme, type of illumination, construction materials, setbacks, sign area, and sign copy for any proposed sign, and similar information as to other signs on the lot. The planning director shall approve the proposed sign only if he or she finds that the proposed sign will be compatible and harmonious with its own elements, existing signs on the lot, and the surrounding vicinity.

C. The planning director shall review the proposed sign area of the sign and may impose a limit on the aggregate sign area thereof to assure that such aggregate sign is not disproportionate to the aggregate sign area allowed for all signs on the lot pursuant to Section 12.104.050.

D. Where there is an application to develop more than one business establishment, facility or enterprise on a single lot, no sign shall be placed thereon unless and until a master signing program shall have been submitted to the architectural review committee and approved thereby.

E. Applications for master signing programs may be filed with the planning director upon the payment of a fee as prescribed by resolution of the city council. The applicant shall submit drawings or sketches showing the proposed types, locations, heights, color schemes, types of illumination, construction materials, setbacks, sign areas, and sign copy for all proposed signs. The architectural review committee shall approve a master signing program only if it finds that such program conforms to all requirements of this chapter, except as to which deviations are granted, and that the proposed planned signing program will be compatible and harmonious with its own elements and the surrounding vicinity.

F. In connection with the approval of a master signing program, the architectural review committee may approve deviations from the requirements of this chapter pursuant to Section 12.104.220.

G. The maximum height of freestanding signs shall be four feet.

H. No signs shall be permitted on the roof or roof eave of buildings. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.14)

12.104.170 Subdivision signs—Directional and advertising.

A. Directional Signs. Directional signs carrying only the name of a single-family lot, condominium, community apartment, or stock cooperative subdivision or project, and directions thereto, for directional purposes only, may be allowed in commercial districts for periods not to exceed one year, upon approval of the planning director.

B. Advertising Signs. Signs advertising the sale of a single-family lot, condominium community apartment, or stock cooperative subdivision or project may be displayed on the site of the subdivision or project for a period not exceeding one year, upon the approval of the planning director.

C. Maximum Sign Area. If the lot on which the sign is to be placed is less than one hundred feet in width, the maximum sign area permitted under this section shall be twenty square feet. If the lot is one hundred feet or greater in width, the maximum sign area shall be forty square feet.

D. Maximum Number of Signs. Not more than one sign shall be permitted on a lot; provided, that if the lot has more than one street frontage, an additional sign is permitted not to exceed eight square feet in area on each additional frontage.

E. Maximum Height. The maximum height of freestanding signs shall be four feet. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.17)

12.104.180 Real estate sales or leasing signs.

A. Signs advertising the sale or lease of real property may be allowed in all zoning districts, subject to the limitations of this section. No permit shall be required therefor.

B. Such signs shall only advertise the sale or lease of premises on which they are placed, or provide directions to premises which are for sale or lease.

C. Such signs shall have a maximum sign area of four square feet.

D. Any signs placed in violation of this section may be summarily removed by the chief of police. Upon such removal, the chief of police shall promptly notify the owner of the sign of such removal and the place where such person may obtain his or her sign, if the identity or phone number of such person is indicated upon the sign. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.18)

12.104.190 Temporary business signs.

A temporary sign may be placed without a permit on a lot on which a business which such sign advertises is to be located, under either of the following conditions:

A. The sign is to serve as temporary identification of a business prior to the placement of a permanent sign on the premises; or

B. The sign is to identify a business which itself is temporary in nature.

C. The sign shall be removed when, in the case of a permanent business, the permanent sign shall have been placed, or within ninety days of its placement, whichever first occurs. The architectural review committee may grant extensions to the foregoing time limit for good cause. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.19)

12.104.200 Temporary signs—Civic events, etc.

A. Temporary signs announcing or advertising bona fide charitable, religious, educational or civic events may be placed upon lots in all zoning districts, subject to the limitations of this section.

B. The size, materials, and location of each such sign shall be approved by the planning director. No sign shall be placed for a period longer than thirty days.

C. No fee shall be charged for review by the director.

D. The architectural review committee may grant extensions to the foregoing time limit for good cause. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.20)

12.104.210 Election signs.

A. Location.

1. In any zoning district.

2. May not be placed or maintained contrary to the provisions of Section 12.104.030 or upon any buildings or in any parks or landscaped areas owned, occupied, or maintained by the city.

B. Time Period of Placement. No election sign pertaining to a candidate or measure shall be placed or maintained more than ninety days before the election to which it pertains. No election sign pertaining to a candidate or measure in a general municipal election or San Bruno Park

School District election shall be placed or maintained more than fourteen days after such election, and no election sign pertaining to any other election shall be placed or maintained more than thirty days after the election to which it pertains, except that an election sign need not be removed between the primary and general election, but shall be removed not later than thirty days after the general election.

C. Registration of Persons Responsible for Sign Posting. Prior to the posting of election signs relating to a candidate or measure, the person responsible for the posting of such signs on behalf of a candidate, proponent or opponent of a measure, or campaign committee, shall file a registration statement with the city clerk. If the signs are to be posted on behalf of a candidate for elected office of the city of San Bruno or San Bruno Park School District, the candidate shall personally file such statement. Such statement shall identify the candidate or measure and the name, address, and telephone number of the filer. Upon filing of the registration, the filer shall execute a written agreement that he or she shall be responsible for removal of all election signs posted by him or her or under his or her authorization or supervision within the period required by this section, and that he or she understands that if he or she fails to do so he or she may be liable to the city for the costs of removal of such signs.

D. Abatement by Building Inspector. If any election sign is not removed within the time period after the election required under subsection B of this section, the building inspector may enter the exterior of the premises upon which the sign is posted and remove the sign. The filer of the registration statement, including any candidate who is responsible for the filing of such statement, shall be liable to the city for the cost of removal of the sign. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.21)

12.104.220 Architectural review of signs.

A. Except for such signs for which no permits are required, and except for signs which require the approval of the planning director, no sign shall be placed without the approval of the architectural review committee.

B. The planning director shall have primary jurisdiction over individual signs. If he or she determines that there is serious doubt that a proposed individual sign meets the standards of approval set forth in this subsection, he or she shall refer the matter to the architectural review committee for determination. The planning director and the architectural review committee shall approve individual signs only upon a finding that their size, shape, scale, type, location within the lot, color scheme, and relation to other structure on the lot are such as to be harmonious and compatible with the development of the lot on which they are proposed to be located and with other development in the immediate vicinity.

C. The architectural review committee shall have jurisdiction over the following:

1. Individual signs upon referral from the planning director pursuant to subsection B of this section;

2. The granting of deviations from aggregate sign area requirements of this chapter, pursuant to Section 12.104.050;

3. Master signing programs, pursuant to Section 12.104.140, including granting of deviations in connection therewith;

4. The granting of deviations from vertical clearance requirements for individual letter signs and wall signs;

5. The granting of deviations from the requirements of this chapter, pursuant to subsection E of this section.

D. The planning director shall make monthly written reports to the architectural review committee as to the location of individual signs as to which he or she has rendered architectural approval.

E. The committee may approve deviations from the provisions of this chapter regarding aggregate sign area requirements, master signing programs, and for individual signs.

1. All Deviations. In each case in which a deviation is granted, the committee must first make a finding that any sign or combination of signs permitted is harmonious and compatible with the development of the lot on which it is proposed to be located and with other development in the immediate vicinity.

2. Aggregate Sign Area Deviations. In each case in which the committee grants a deviation from a limitation on aggregate sign area, it must first make a finding that the lot on which the placement of the sign is proposed has a street frontage substantially greater than seventy-five feet; and that the type of business, facility, or enterprise is such that the size of the sign or signs is an important element in attracting business, trade, or patronage from the public at large.

3. Master Signing Program Deviations. In each case in which the committee grants a deviation in connection with the approval of a master signing program, it must first make a finding that, given the number and type of business on the lot, adherence to the strict requirements of this chapter would unduly impede or interfere with the ability of one or more businesses, facilities, or enterprises to adequately identify itself to the public, or a segment of the public likely to patronize it.

4. Other Deviations. In each case in which the committee grants a deviation in connection with requirements of this chapter which do not apply to aggregate sign area, or relate to master signing programs or to vertical clearance requirements, the committee must first make the finding that the strict application of this chapter would result in practical difficulties or unnecessary hardship due to exceptional circumstances related to:

a. The size, shape or topography of property on which the sign is to be located, or the siting or location of buildings and other structures thereon; or

b. The relationship of said property to buildings, structures, or the topography of adjacent property. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.22)

12.104.230 Nonconforming signs.

A. Billboards; Advertising Structures and Displays.

1. Advertising displays, advertising structures, and other signs, the placement of which is prohibited pursuant to Section 12.104.030A, shall be removed not later than May 12, 1984.

2. Nothing herein shall require the removal of any advertising display, advertising structure, or sign during such period of time as such removal may be prohibited by statute, or where it is provided by law that compensation must be paid prior to removal.

B. Flashing Signs. All signs with lights or lighting which is prohibited by Section 12.104.030C shall either be removed or modified so that no flashing, running, revolving, scintillating, or similar lights or lighting is operative after May 12, 1982.

C. Revolving Signs. All revolving signs prohibited by Section 12.104.030C shall either be removed or modified so that they cannot revolve after May 12, 1982.

D. Projecting Signs.

1. Except as provided in subdivision 2 of this subsection, projecting signs placed prior to May 12, 1981 which do not conform to one or more of the requirements of Section 12.104.080 may remain where placed.

2. A nonconforming projecting sign shall either be removed or modified to comply with the provisions of Section 12.104.080 whenever the business, establishment, facility, or enterprise to which such sign and its sign copy relate cease to be operative.

E. Roof Signs.

1. Except as provided in subdivision 2 of this subsection, roof signs placed prior to May 12, 1981 which do not conform to one or more of the regulations of Section 12.104.090 may remain where placed.

2. A nonconforming roof sign in the central business district (C-B-D) shall either be removed or modified to comply with the provisions of Section 12.104.090 whenever the business establishment, facility, or enterprise to which such sign and its sign copy relate ceases to be operative.

F. Window Signs. Window signs placed prior to May 12, 1982 which do not conform to one or more of the regulations of Section 12.104.120 shall be removed not later than May 12, 1983.

G. Other Nonconforming Signs. Signs which are nonconforming as of May 12, 1981 which are not described in subsections A through F, inclusive, of this section, and signs which become nonconforming subsequently due to rezonings of property on which they are situated, annexation to the city, or amendment of this chapter, shall either be removed or modified to comply with the provisions of this chapter not later than seven years after the creation of the nonconformity.

H. Maintenance of Signs Illegally Placed: Prohibition. Nothing in this section shall be construed to authorize the continued maintenance of any advertising structure, advertising display, or sign which was placed in violation of any provisions of this code which was in effect at the time of such placement. Any such structure, display, or sign shall be subject to abatement pursuant to Section 12.104.260. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.23)

12.104.240 Enforcement.

The city manager or his or her designee is designated the enforcement officer for purposes of this chapter. The enforcement officer shall have the power and authority:

A. To remove or cause to be removed, in accordance with the abatement procedure set forth in this chapter, any sign which is abandoned or being maintained in violation of any provision of this chapter;

B. To summarily remove or cause to be removed, any sign which is abandoned or being maintained in violation of any provision of this chapter which constitutes an immediate fire, safety, or other hazard. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.24)

12.104.250 Appeals.

A. Any person affected by any decision of the enforcement officer under the provisions of this chapter, and any applicant or other interested person who is not satisfied with the action of the planning director or the architectural review committee regarding signs, may within seven days after receipt of such decision of the enforcement officer, or within seven days of the action of the director or committee, appeal in writing to the planning commission. The commission shall have the power to hear the appeal and affirm, reverse, or modify the decision of the enforcement officer, planning director, or architectural review committee. The fee for the appeal shall be established by resolution of the city council. The decision of the planning commission on appeal shall be final and conclusive, except in the event it is appealed to the city council.

B. If the applicant is not satisfied with the decision of the planning commission, he or she may within seven days appeal in writing to the city council. The fee for the appeal shall be established by resolution of the city council. Notice shall be given to the planning commission, which shall submit a report to the city council setting forth its reasons for the action taken by the commission. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.25)

12.104.260 Abandoned and illegal signs.

A. This section pertains to the following types of signs:

1. Abandoned Signs. Abandoned signs are prohibited. Any sign related to a former business located on property which remains unoccupied for a period of sixty days or more, or any sign which was placed or erected for an occupant or business unrelated to the present occupant or business, or any sign which pertains to a time, event, or pur-

pose, which no longer exists shall be presumed to be abandoned.

2. Illegal Signs. For purposes of this section, illegal signs are signs which are placed or maintained in violation of one or more provisions of this chapter. Illegal signs include signs which have lost their status as nonconforming signs which may be maintained due to the conclusion of amortization periods for their removal, or due to the occurrence of an event which requires the removal of the sign, such as the termination of a business.

B. Whenever the enforcement officer finds a sign which he or she determines to be abandoned or illegal, he or she shall post a written notice on the sign or building whereon it is located to cause removal of the sign. Written notice of the removal request shall also be delivered to the owner of the property, as his or her name appears on the last equalized roll upon which city taxes are paid, to the address shown thereon, or to such address as known to the city clerk, to the occupant of the premises, if any, and to the owner of the sign if such person differs from the owner of the property or the occupant of the premises and if the name and address of such person appears on the sign.

C. If the removal request is not complied with within thirty days after service or receipt of notice, a hearing shall be scheduled before the planning commission. Written notice of the time and place of the hearing shall be given by the secretary of the planning commission to the property owner, occupant of the premises, and sign owner as described in the previous paragraph at least ten days prior to the date set for the hearing.

D. At said hearing, the planning commission shall confirm, modify, or rescind the notice given or action taken by the enforcement officer. Upon the conclusion of said hearing, the planning commission shall, based upon such evidence as presented at said hearing, determine whether the sign is abandoned or illegal or not. If it finds that the sign is abandoned or illegal, it shall by resolution, order the sign abated within fifteen days or waive enforcement as set forth in subsections E and F of this section.

E. In the case of the abandoned sign, the planning commission may temporarily waive enforcement of the removal of the abandoned sign for a period not to exceed sixty days if it finds that all of the following conditions exist:

1. All identification of the premises, the services or goods available thereon, and the name or names of any and all persons have been removed; and

2. The sign would, but for the provision of the status of the sign as abandoned, conform to all of the requirements of this chapter; and

3. There is substantial probability that the sign will be utilized without substantial changes in or additions to the structure thereof by a business operating on the premises.

F. In the case of an illegal sign, the planning commission may temporarily waive enforcement of the removal of the sign for a period not to exceed sixty days if it finds that the illegal condition or conditions which exist may be corrected or remedied within a reasonably short period of time without the necessity of removing the sign during that period.

G. The determination of the planning commission may be appealed by the owner of the property or the occupant, as defined in subsection B of this section, to the city council within seven days after the commission's formal action. The appeal shall be in writing and delivered to the city clerk with an appeal fee in an amount established by resolution of the city council. The appeal shall set forth specified objections to the determination of the commission. Written notice of the time and place of such hearing shall be given by the city clerk to the property owner and the occupant of the premises at least ten days prior to the date set for the hearing.

H. At the noticed time and place of hearing, the city council shall hear and consider all relevant evidence, including, but not limited to applicable staff reports, objections, or protests relative to the existence of the abandoned or illegal sign.

Such hearings may be continued from time to time. At the conclusion of said hearing, the city council shall, based on such evidence as presented at said hearing, determine whether or not the sign is abandoned or illegal. If the city council finds that the sign is abandoned or illegal, it shall by resolution order the sign abated within fifteen days.

The city council may temporarily waive enforcement of the removal of the abandoned or illegal sign for a period not to exceed sixty days if it makes the findings set forth in subsection E of this section, in the case of an abandoned sign, or subsection F of this section, in the case of an illegal sign. The determination of the city council is final and conclusive.

I. A copy of the final resolution ordering abatement of the sign shall be served upon the owner of the property, occupant thereof, and sign owner, as defined in subsection B of this section.

J. It shall be the responsibility of the property owner, occupant of the property, and owner of the sign to remove any sign ordered abated pursuant to the order of abatement. Upon compliance with the abatement order, the proceedings hereunder shall be terminated. If such sign is not completely abated as directed in the order of abatement, then the enforcement officer shall cause the sign to be abated by the city or by private contract. Entry upon the premises is expressly authorized for such purposes.

K. Where the enforcement officer is required to cause the abatement of a sign pursuant to the provisions of this chapter, an accounting of the cost incurred, including all incidental expense of such abatement, shall be kept. Upon conclusion of such abatement, the enforcement officer shall submit an itemized statement of costs to the city clerk. The term "incidental expenses" includes, but is not limited to, the actual expenses and costs of the city in preparation of notices, specifications, and contracts, inspection of the work and costs of printing and mailings required under this chapter. Upon receipt of such statement, the city clerk shall set the same for hearing before the city council. The city clerk shall cause notice of time and place of such hearing to be given to the owner of the property to which the same relates, and to any other interested persons who request notice, by United States mail, postage prepaid, addressed to such person at their last known address, at least five days in advance of such hearing.

The owner of the property may waive the hearing on the assessment on the cost of the abatement and in that event no city council hearing is required. The city council shall confirm the cost of assessment by resolution at their next regular meeting.

L. At the time and place fixed for receiving and considering said report, the city council shall hear and pass upon the report, together with any specific objections or protests raised by any of the persons liable to be assessed for the cost of abating such nuisance. Thereupon, the city council may make such revisions, corrections, or modifications as it may deem just or necessary, after which the report as submitted or revised, corrected or modified shall be confirmed by resolution. Said hearing may be continued from time to time. The decision of the city council shall be final and conclusive.

M. The city clerk shall give notice of the city council's decision to the affected parties in the manner set forth in subsection B of this section.

N. The cost of sign abatement on any lot or parcel of land, as confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates. After its recording, the same shall constitute a lien on said property in the amount of such assessment. After the confirmation of said report, a copy thereof shall be transmitted to the county tax collector, whereupon it shall be the duty of said collector to add the amount of such assessment or assessments to the next regular bill of taxes levied against the said respective lot or parcel of land for municipal purposes and thereafter said amount shall be collected at the same time and in the

same manner as ordinary municipal taxes are collected.

O. Nothing contained in this chapter shall be deemed to prevent the city council from ordering the city attorney to commence a civil action to abate a nuisance in addition to or as an alternative to the proceedings set forth in this chapter. (Ord. 1410 § 1 (part), 1982: prior code § 27-9.26)

Chapter 12.108

ARCHITECTURAL REVIEW PERMITS

Sections:

12.108.010 Required.

A. No building permits shall be issued for any new buildings or for exterior changes to any buildings which would be visible from a public right-of-way unless an architectural review permit shall have been issued by the architectural review committee in accordance with the provisions of this section. This chapter shall not apply to single-family or two-family dwellings or structures accessory thereto.

B. The securing of an architectural review permit in accordance with the provisions of this chapter may be required as a condition of granting of a use permit or variance in any district.

C. The architectural review committee may approve, deny, or conditionally approve an application for an architectural review permit.

D. The architectural review committee may impose such conditions as it deems necessary to secure the purposes of this article. The committee may impose such requirements and conditions with respect to location, size, and intensity of the proposed operation; accessibility of off-street parking areas and their relation to adjacent streets; landscape areas; and impact of the proposed development upon light and air, and upon other property in the neighborhood as it deems necessary for the protection of the public interest. The committee may require tangible guarantees or evidence that such conditions are being, or will be, complied with.

E. The planning director may approve minor extensions and changes to existing buildings that, in his or her opinion, do not significantly affect the general appearance of the building. (Ord. 1410 § 1 (part), 1982: prior code § 27-10.1)

12.108.020 Application—Fees and plans.

Application for an architectural review permit shall be made in writing by the owner(s) of the property, lessee, purchaser in escrow or optionee with the consent of the owners, on a form prescribed by the city. The application shall be accompanied by the required fee and plans showing the details of the proposed use, which include presentation plans, that include site plans, landscape plans, elevations and perspectives, or any such other plans as the planning director deems necessary. (Ord. 1410 § 1 (part), 1982: prior code § 27-10.2)

12.108.030 Applications—Accompanying data—Transmittal to departments.

Upon receipt of an application for architectural review permits, the planning staff shall forward one copy of the plans to appropriate departments for review and comments. (Ord. 1410 § 1 (part), 1982: prior code § 27-10.3)

12.108.040 Issuance—Conditions.

Upon receipt of comments from the departments, the architectural review committee, a group designated by and of the planning commission, shall consider the application and shall issue an architectural review permit provided the following findings are made, as appropriate:

A. That the location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern, taking into account the proposed use as compared with the general character and intensity of the neighborhood;

B. That the accessibility of off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create

a hazardous or inconvenient condition to adjacent or surrounding uses;

C. That sufficient landscape areas have been reserved for the purposes of separating or screening service and storage areas from the street and adjoining building sites, breaking up large expanses of paved areas, and separating or screening parking areas from the street and adjoining building areas from paved areas and to provide access from buildings to open areas. In addition, that adequate guarantees are made, such as the filing of a performance bond, to insure maintenance of landscaped areas;

D. That the proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood;

E. That the improvement of any commercial or industrial structure, as shown on the elevations as submitted, is not detrimental to the character or value of an adjacent residential district;

F. That the proposed development will not excessively damage or destroy natural features, including trees, shrubs, creeks and rocks, scenic corridors, and the natural grade of the site;

G. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood;

H. That the proposed development is consistent with the general plan.

If the applicant or any other interested party is not satisfied with the architectural review committee decision, he or she may within seven days of such decision appeal in writing to the planning commission. The decisions of the planning commission, whether original or on appeal, may be appealed to the city council as otherwise provided in Chapter 12.136. No architectural review permit shall be effective, nor shall any building permit for which an architectural review permit is required, be issued until the period for filing appeals has ended. (Ord. 1410 § 1 (part), 1982: prior code § 27-10.4)

12.108.050 Conformance.

It shall be unlawful and a violation of the provisions of this article for any person to construct, erect, alter or modify any structure except in strict conformity with any architectural review permit issued. (Ord. 1410 § 1 (part), 1982: prior code § 27-10.5)

Chapter 12.112

USE PERMITS

Sections:

12.112.010 Issuance—Purpose.

A. Use permits may be issued as provided in this chapter for any of the uses or purposes for which such permits are required or permitted by the terms of this article upon conditions designated by the planning commission.

B. The purpose of the use permit is to allow the proper integration into the community of uses which may be suitable only in specific locations in a zoning district, or only if such uses are designed or arranged on the site in a particular manner.

C. The planning commission may approve, deny or conditionally approve an application for a use permit.

D. The planning commission may impose such conditions as it deems necessary to secure the purposes of this article. The commission may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control and time limits for the use permit as it deems necessary for the protection of adjacent properties and the public interest. The commission may require tangible guarantees or evidence that such conditions are being, or will be, complied with. (Ord. 1410 § 1 (part), 1982: prior code § 27-11.1)

12.112.020 Application, fee and plans.

An application for a use permit shall be made in writing by the owners of the property, lessee, purchaser in escrow or optionee with the consent of the owners, on a form prescribed by the city. The application shall be accompanied by a required fee, and plans showing the details of the proposed use.

Where the application is for a use in an existing building or structure, it shall also be accompanied by a support statement on a form provided by the city describing the proposed use in detail and plans as determined by the planning director.

Where the application is for a use to be commenced in a new building or in an existing building in which exterior remodeling will be occurring, the application shall be accompanied by both such support statement and presentation plans which include plot plans, site plans, landscape plans, elevations and perspectives, or such other plans as the planning director deems necessary. (Ord. 1410 § 1 (part), 1982: prior code § 27-11.2)

12.112.030 Hearing date—Notice.

Upon receipt of an application for a use permit, the planning director shall schedule a public hearing before the planning commission. Such hearing shall be held within one year after the filing of the application. Notice of such hearing shall be given as set forth in Chapter 12.132. (Ord. 1410 § 1 (part), 1982: prior code § 27-11.3)

12.112.040 Review by architectural review committee.

Applications which require an architectural review permit shall be reviewed by the architectural review committee prior to the required public hearing. (Ord. 1410 § 1 (part), 1982: prior code § 27-11.4)

12.112.050 Granting.

A. In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, the applicable zoning district regulations, any specific plans for the area in question, and the general plan.

B. The planning commission (or city council on appeal) shall grant a use permit only if it

makes a finding that the establishment, maintenance or operation of the use applied for:

1. Will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use;

2. Will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city; and

3. Will not be inconsistent with the general plan.

C. No use permit shall be effective, nor shall any building permit for which a use permit is required, be issued until the time period for filing an appeal to the city council on the decision granting the use permit has ended. If such an appeal is timely filed, the use permit shall not become effective, nor shall any such building permit be issued, until the city council has acted on the appeal. (Ord. 1410 § 1 (part), 1982: prior code § 27-11.5)

12.112.060 Conformance.

It shall be unlawful and a violation of the provisions of this article for any person to construct, erect, alter or modify any structure except in strict conformance with any use permit issued. (Ord. 1410 § 1 (part), 1982: prior code § 27-11.6)

Chapter 12.116

PLANNED UNIT PERMIT

Sections:

12.116.010 Purpose.

A. It is the purpose of planned unit permit (PUP) to encourage creative use of land and open space by permitting carefully controlled relief from the strict application of the provisions of existing zoning districts. The PUP allows flexibility and diversification in the relationship of various buildings, structures, and open spaces in planned building groups.

B. It is also the intent of this chapter to carry out the general purposes of this article by continuing to observe adequate standards related to public safety, health, and general welfare without unduly inhibiting the advantages of modern imaginative site planning and to implement the following objectives:

1. To provide a more desirable living environment;

2. To encourage creative approaches to the development of land;

3. To encourage the observation of and the aesthetic use of open space;

4. To encourage variety in the physical development of the city. (Ord. 1410 § 1 (part), 1982: prior code § 27-12.1)

12.116.020 Applicability.

The planned unit permit may be used in any one of the residential or commercial districts, except the P-D district. (Ord. 1410 § 1 (part), 1982: prior code § 27-12.2)

12.116.030 Permitted uses.

A planned unit permit may be issued to authorize a use which is permitted, conditional, or accessory in a particular district. Attached single-family dwellings may be permitted in the R-1 district under planned unit permit procedures. (Ord. 1410 § 1 (part), 1982: prior code § 27-12.3)

12.116.040 Application, fee and plans.

Application for a planned unit permit shall be made in writing by the owners of the property, lessee, purchase in escrow or optionee with the consent of the owner(s), on a form prescribed by the city. The application shall be accompanied by the required fee and plans showing the details of the proposed use which includes presentation plans, such as site plans, landscape plans, elevations, and perspectives, or any other plans as the planning director may deem necessary. (Ord. 1410 § 1 (part), 1982: prior code § 27-12.4)

12.116.050 Standards and criteria.

In considering use of the planned unit permit, the applicant and the city shall be governed by the following standards:

A. Development with a planned unit permit in conformance with the procedures contained herein is exempt from the specified property development standards of the district in which subject property is located providing:

1. The plans and exhibits submitted and approved in conformance with these provisions clearly establish that the relationships of interior and exterior living, working or shopping areas and the associated environment are at least as desirable as would be achieved with the strict application of the requirements of that district;

2. And that the planning commission finds the other standards and criteria as set forth in this chapter have been complied with. Exception to development standards and other provisions of the district in which the planned unit is located shall only be to the extent specified in the approved plans and exhibits.

B. A variety of dwelling and building types is to be encouraged.

C. For each square foot of land gained within a single-family residential district through the reduction of lot sizes below minimum district requirements, equal amounts of usable land shall be retained as open space and related uses in perpetuity. The planned unit permit may be used in single-family residential districts, however, to average lot sizes, to cluster lots and dwelling unit, and to provide better utilization of land through flexibility in development standards.

D. Nonresidential development is encouraged to make use of a variety of setback and yard areas by trading space through the development of open plazas, pedestrian malls, tot lots, and other open spaces and uses with adequate landscaping.

E. All open spaces shall be provided with all required on-site and off-site improvements in accordance with the current city policy, and provisions made for perpetual maintenance to the satisfaction of the planning commission.

F. The planning commission from time to time may by resolution amplify the provisions of this section in order to fully define certain limits of flexibility which it wishes to encourage, to further explain various possible uses of planned unit permit, and to set forth provisions for plan approval. (Ord. 1410 § 1 (part), 1982: prior code § 27-12.5)

12.116.060 Granting.

Planned unit permits may be granted by the planning commission after public hearings conducted in accordance with Chapter 12.132. Decision of the commission shall be appealable to the city council in accordance with Chapter 12.140. In order to grant a planned unit permit, the planning commission and/or city council on appeal shall find the following:

A. The proponents of the planned unit development have demonstrated that they intend to obtain a building permit in six months of the approval of the project and that they intend to complete the construction within a reasonable time as determined by the commission.

A planned unit permit shall be effective the seventh day after planning commission approval unless the planning commission action is appealed to the city council, in which case the action shall not be effective until the city council has acted on the appeal.

B. The proposed planned unit development conforms to the general plan in terms of general location, density and general standards of development and criteria contained in this chapter.

C. The development of a harmonious, integrated project in accordance with a precise development plan justifies exceptions, if such are required, to the normal requirements of this article. No planned unit permit shall be effective, nor shall any building permit for which a planned unit permit is required, be issued until the time period for filing an appeal to the city council on the decision granting the planned unit permit has ended. If such an appeal is timely filed, the planned unit permit shall not become effective, nor shall any building permit be issued, until the city council has acted on the appeal. (Ord. 1410 § 1 (part), 1982: prior code § 27-12.6)

12.116.070 Development subject to plan.

Any planned unit, as approved and authorized by the planning commission (and city council on appeal), shall be developed in all respects in conformance with the development plans submitted to and approved by the commission (or city council on appeal). The planning director may, however, approve or conditionally approve minor adjustments to the original development plans, provided said adjustments do not conflict with the concept of intent of the development plans originally approved by the commission. Any planned unit, as approved and authorized by the planning commission, shall be developed subject to all conditions imposed as part of said approval and shall be excepted from other provisions of the district in which the planned unit permit is used only to the extent specified within the approved

plans and/or any related conditions adopted by the commission. (Ord. 1410 § 1 (part), 1982: prior code § 27-12.7)

12.116.080 Conformance.

It shall be unlawful and a violation of the provisions of this article for any person to construct, erect, alter or modify any structure except in strict conformity with any planned unit permit issued. (Ord. 1410 § 1 (part), 1982: prior code § 27-12.8)

Chapter 12.120

MINOR MODIFICATION

Sections:

12.120.010 Issuance—Purpose.

The architectural review committee or the planning commission may authorize minor modifications from the maximum lot coverage by buildings, minimum side setbacks, and minimum rear setbacks in R-1 districts. As used herein, a minor modification shall mean the following:

A. Failing to meet the otherwise applicable minimum side or rear setback requirements by not more than two feet. (Ord. 1410 § 1 (part), 1982: prior code § 27-13.1)

12.120.020 Application—Procedure—Fees.

Applications of a minor modification shall be made in writing by the owner(s) of the property, lessee, purchase in escrow, or optionee with the consent of the owner(s), on a form prescribed by the city. The application shall be accompanied by a fee, the amount of which shall be one-half the fee required for a variance. The application shall also be accompanied by plans showing the detail of the deviation, which includes presentation plans, such as site plans, landscape plans, elevations, perspective, or any other plans as deemed necessary by the planning director. (Ord. 1410 § 1 (part), 1982: prior code § 27-13.2)

12.120.030 Hearing—Notice.

When the director has found the application and submittals complete, he or she shall schedule the matter for a hearing. The hearing shall be scheduled before the architectural review committee unless the applicant requests it to be conducted before the planning commission.

The architectural review committee or planning commission shall conduct a hearing on the application at which persons interested shall be entitled to present oral and written evidence.

Notice of the time and place of such hearing shall be mailed, postage prepaid, to the applicant and to all persons whose names and addresses appear on the latest adopted tax roll of this county or as known to the city clerk as owning real property within a distance of three hundred feet from the exterior boundaries of the lot which is the subject of the hearing. Such notice shall be mailed at least five days prior to the hearing. (Ord. 1410 § 1 (part), 1982: prior code § 27-13.3)

12.120.040 Granting.

After the conclusion of the hearing, the reviewing body shall approve the minor modification only if it finds that the general appearance of the proposed building or structure, or modification, thereof, is in keeping with the character of the neighborhood and will not be detrimental to adjacent real property. (Ord. 1410 § 1 (part), 1982: prior code § 27-13.4)

12.120.050 Appeals.

Decisions of the architectural review committee as reviewing body may be appealed within ten days of such decision to the planning commission by the applicant or any interested party by filing a written notice of appeal. Said appeal shall be accompanied by a fee as listed in the city's master fee schedule. Decisions of the planning commission, whether original or on appeal may be appealed to the city council as otherwise provided in Chapter 12.140. No minor modification shall be effective, nor shall any building permit be issued for which a minor modification is required, until the period for filing the appeal is ended. (Ord. 1655 § 1, 2001; Ord. 1410 § 1 (part), 1982: prior code § 27-13.5)

12.120.060 Conformance.

It shall be unlawful and a violation of the provisions of this article for any person to construct, erect, alter or modify any structure except in strict conformity with any minor modification issued. (Ord. 1410 § 1 (part), 1982: prior code § 27-13.6)

Chapter 12.124

VARIANCES

Sections:

12.124.010 Circumstances of granting—Finding.

Applications for variances from the strict application of the terms of this article may be granted by the planning commission. No variance may be granted unless the commission makes the following findings:

A. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of this article will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

B. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located. (Ord. 1410 § 1 (part), 1982: prior code § 27-14.1)

12.124.020 Unauthorized uses.

A variance shall not be granted which authorizes a use or activity which is not otherwise expressly authorized in the zoning district in which the property is located. (Ord. 1410 § 1 (part), 1982: prior code § 27-14.2)

12.124.030 Form of application—Contents.

An application for a variance shall be made in writing by a property owner, lessee, purchase in escrow, or optionee with the consent of the owners, on a form prescribed by the city. The application shall be accompanied by the required fee. Submittal documents shall include a statement as to the circumstances applicable to the subject property which justify the making of the findings required to approve a variance on a form provided by the city. The applicant shall also submit site plans, landscape plans, elevations, and perspectives or other such plans the planning director deems necessary.

The application shall also be accompanied by a plan of the details for the variance requested and evidence showing:

A. That the granting of the variance will not be contrary to the intent of this article or to the public safety, health, and welfare;

B. Evidence showing findings set forth in Section 12.124.010 can be made. (Ord. 1410 § 1 (part), 1982: prior code § 27-14.3)

12.124.040 Hearing date—Notice.

Upon receipt of an application for a variance, the planning director shall schedule a public hearing before the planning commission on such application not later than one year after the filing of the application. Notice of such hearing shall be given as set forth in Chapter 12.132. (Ord. 1410 § 1 (part), 1982: prior code § 27-14.4)

12.124.050 Review by architectural review committee.

Applications which would require an architectural review permit shall be reviewed by the architectural review committee prior to the required public hearings. (Ord. 1410 § 1 (part), 1982: prior code § 27-14.5)

12.124.060 Granting.

After the conclusion of the public hearing or continuations thereof, the planning commission may grant or deny a variance from the strict ap-

plication of the regulations established by this chapter. The commission may impose any reasonable conditions deemed necessary to achieve the purpose of this article; provided, however, that the following conditions shall not be imposed:

A. The dedication of land for any purpose not reasonably related to the use of the property for which the variance is requested;

B. The posting of a bond to guarantee installation of public improvements not reasonably related to the use of property for which the variance is requested.

No variance shall be effective, nor shall any building permit for which a variance is required be issued, until the time period for filing an appeal to the city council on the decision granting the variance has ended. If such appeal is timely filed, the variance shall not become effective, nor shall any such building permit be issued, until the city council has acted on the appeal. (Ord. 1410 § 1 (part), 1982: prior code § 27-14.6)

Chapter 12.128

TIME LIMIT, RENEWAL AND REVOCATION OF ARCHITECTURAL REVIEW PERMIT, USE PERMIT, PLANNED UNIT PERMIT OR VARIANCE

Sections:

12.128.010 Time limit.

Architectural review permits, use permits, planned unit permits, minor modifications, and variances shall become null and void if not exercised within one year, or in the case of a variance, one hundred eighty days, from the effective date of the approval thereon unless a greater period of time is authorized, or if either of following has been issued:

A. A building permit, where construction has been started on the site and diligently pursued toward completion; or

B. A certificate of occupancy for the site or structure for the subject property. (Ord. 1410 § 1 (part), 1982: prior code § 27-15.1)

12.128.020 Renewal.

Use permits, planned unit permits, and architectural review permits may be renewed for an additional period not to exceed the original period. Prior to the expiration date, an application for renewal shall be filed with the commission. The commission may grant or deny an application for renewal based upon the same findings applicable to a new application. No public hearing shall be required for renewal; provided, however, no conditions of the use permit, planned unit development permit, minor modification, or variance may be added, altered, or amended without first holding a public hearing pursuant to the provisions of Chapter 12.132. (Ord. 1410 § 1 (part), 1982: prior code § 27-15.2)

12.128.030 Revocation.

Any architectural review permit, use permit, planned unit permit, minor modification, or variance granted pursuant to the provisions of this article may be revoked if any of the conditions or terms of such approval are violated or if any law is violated in connection therewith.

The commission shall hold a public hearing on the proposed revocation after giving written notice to the permittee and to the owners of adjoining property as set forth in Chapter 12.132, at least ten days prior to the hearing and shall submit its recommendations to the council. The council shall act thereon within thirty days after receipt of the recommendations of the commission and also hold a public hearing on the revocation upon the same notice applicable to commission revocation hearing. (Ord. 1410 § 1 (part), 1982: prior code § 27-15.3)

12.128.040 Effectiveness conditioned upon agreement to conditions.

No architectural review permit, use permit, planned unit permit, minor modification, variance, or other permits or authorizations as to which conditions of approval have been imposed shall become effective unless and until the applicant shall have submitted to the planning department a document executed by the applicant, whereby the applicant acknowledges acceptance of such conditions. (Ord. 1410 § 1 (part), 1982: prior code § 27-15.4)

12.128.050 Termination by applicant.

Any request by an applicant to modify or terminate an architectural review permit, use permit, planned use permit, minor modification or variance shall be processed in the same manner as the original application for said permit, modification or variance. (Ord. 1410 § 1 (part), 1982: prior code § 27-15.5)

Chapter 12.132

PUBLIC HEARING

Sections:

12.132.010 Procedure for zoning hearings.

A. The planning commission shall develop and publish procedural rules for conduct of its hearings so that all interested parties shall have advance knowledge of procedures to be followed.

B. When a matter is contested and a request is made in writing prior to the date of the hearing, the planning commission shall insure that a record of the hearing shall be made and duly preserved, a copy of which shall be available at cost. The city may require a deposit from the person making the request.

C. When a planning staff report exists, such report shall be made public prior to or at the beginning of the hearing and shall be a matter of public record.

D. When any hearing is held on an application for a change of zone, a staff report with recommendations and the basis for such recommendations shall be included in the record of the hearing.

E. Notice of final action on an application shall be provided within five working days to those persons who appeared at the hearing or submitted written testimony and who requested notice by submitting a self-addressed stamped envelope. (Ord. 1410 § 1 (part), 1982: prior code § 27-16.1)

12.132.020 Hearing notices—Amendments.

When a public hearing is held by the planning commission or the city council to consider the adoption of or an amendment to a zoning ordinance, which amendment rezones property or imposes any regulation listed in California Government Code Section 65860 not theretofore imposed or removes or modifies any such regulation, notice of the time and place of said hearing, including a general explanation of the area affected, shall be given at least ten calendar days before the hearing in the following manner:

A. The notice shall be published at least once in a newspaper of general circulation, published and circulated in the city or, if there is none, it shall be posted in at least three public places in the city.

B. In prezoning, the notice shall be published at least once in a newspaper of general circulation, published and circulated in the area to be prezoned or, if there is none, it shall be posted in at least three public places in the area to be prezoned.

C. In addition to notice of publication or posting, the city shall refer to the latest assessor's roll and give notice of the hearing by mail or delivery to all persons, including businesses, corporations or other public or private entities, owning real property within three hundred feet of the proposed zoning change.

D. The city shall give notice by first class mail to any person who has filed a written request therefor with the planning commission. Such a request may be submitted at any time during the calendar year and shall apply for the balance of such calendar year. A reasonable fee, as set by the city council, shall be imposed on persons requesting such notice.

E. In the event that the proposed zoning change has been requested by a person other than the property owner as such property owner is shown on the last equalized assessment roll, the planning commission shall also give mailed notice to the owner of the property as shown on the latest equalized assessment roll.

F. In the event that the number of owners to whom notice would be sent pursuant to subdivision:

Is greater than one thousand, the city may, as an alternative to the notice required in subsections A and C of this section, provide notice pursuant to this subdivision. Such notice shall be given at least ten days prior to the hearing by either of the following procedures:

1. By placing a display advertisement of at last one-fourth page in a newspaper having general circulation within the area affected by the proposed ordinance or amendment, or

2. By placing an insert with any generalized mailing sent by the city to property owners in the area affected by the proposed ordinance or amendment, such as billings for city services.

Such advertisement or mailing insert shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing, and the right to appear and be heard.

G. Failure to receive the notice required by this section shall not invalidate the ordinance or amendment.

H. This section shall not apply to a proposed zoning ordinance or to an amendment to an existing zoning ordinance which does not affect the permitted uses of real property within the city.

I. The city may give additional notice of the hearing in such other manner as it may deem necessary or desirable.

J. Any hearing may be continued from time to time. (Ord. 1410 § 1 (part), 1982: prior code § 27-16.2)

12.132.030 Hearing notices—Use permits, planned unit permits, variances, appeals.

A. Whenever an application for any approval, or an appeal from action taken on a matter requiring a public hearing is submitted to the body or person charged with conducting a public hearing thereon, notice of hearing shall be given by notice through the United States mail, with postage prepaid using addresses from the latest equalized assessment roll, or alternatively, from such other records of the assessor or tax collector as contain more recent addresses in the opinion of the secretary of such body or person, or by both publication at least once in a newspaper of general circulation, published and circulated in the city, and by posting said notice in at least three conspicuous places close to the property affected.

B. When mailed notice is used, notice shall be given to all owners of property within three hundred feet of exterior boundaries of the property for which an application is being heard. Said notices shall be mailed not less than ten or more than thirty days before the scheduled hearing.

C. When posted notice is used, posting shall be on utility poles on both sides of the property frontage and across the street from the subject property.

D. Notices specified in subsections B and C of this section shall specify the type and magnitude of the application to be considered, the place where copies of the application may be reviewed, the time, date and place of hearing and the right to appear and be heard. (Ord. 1410 § 1 (part), 1982: prior code § 27-16.3)

Chapter 12.136

AMENDMENTS

Sections:

12.136.010 Initiation.

A. Except as otherwise provided in this chapter, any amendment to this article shall be adopted as other ordinances are adopted.

B. Any amendment to this article which changes any property from one district or imposes any regulation upon property not theretofore imposed, or removes or modifies any such regulation shall be initiated and adopted as follows:

1. By the city council;
2. By the planning commission;
3. By application by one or more record owners of property which is a subject of the proposed amendment, or their authorized agent. An application for an amendment shall be on a form designed by the planning commission and shall be accompanied by a fee set by the city council;
4. By the planning director. (Ord. 1410 § 1 (part), 1982: prior code § 27-17.1)

12.136.020 Public hearing requirement.

Upon initiation of an amendment the secretary of the planning commission shall set a date for a public hearing thereon, but not later than sixty days after such amendment is initiated. The planning commission shall give notice of the time and place of such hearing, and the purpose thereof, in the manner designated in Section 12.132.020. (Ord. 1410 § 1 (part), 1982: prior code § 27-17.2)

12.136.030 Planning commission action.

After the close of the public hearing or continuations thereof, the planning commission shall make a report of its findings and its recommendations with respect to the proposed amendment. The commission report shall include a list of persons who testified at the hearing, a summary of facts adduced at the hearing, the findings of the commission, and copies of any maps or other data or documentary evidence submitted in connection with the proposed amendment. A copy of such report and recommendation shall be transmitted to the city council within ninety days after the first notice of hearing thereon; provided, however, if the procedure was initiated by an application, such time may be extended with the consent of the applicant. In the event the planning commission fails to report to the city council within the aforesaid ninety days or within the agreed extension of time, the amendment shall be deemed approved by the planning commission. The recommendations of the planning commission or proposed amendments shall be adopted by a majority vote of the voting members thereof. No recommendation for amendment shall be made unless the commission finds that said amendment is in general conformance with the general plan and that the public necessity, convenience and general welfare require adoption of the proposed amendment. (Ord. 1410 § 1 (part), 1982: prior code § 27-17.3)

12.136.040 City council action.

Upon receipt of the recommendation of the planning commission or upon expiration of the aforesaid ninety days or agreed-upon extended period, the city council shall hold a public hearing thereon, giving notice thereof as provided in Chapter 12.132. If the matter under consideration is an amendment that would change property from one district to another, and the planning commission has recommended against the adoption of such amendment, the city council shall not be required to take further action unless the action of the planning commission is appealed. After the conclusion of such hearing, the city council may, within one year, adopt by ordinance the proposed amendment or any part thereof set forth in the

petition or resolution of intention in such form as the council deems desirable. (Ord. 1410 § 1 (part), 1982: prior code § 27-17.4)

12.136.050 Prezoning unincorporated territory.

The city may prezone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the city. The method of accomplishing such prezoning shall be as provided in this chapter for zoning within the city. Such prezoning shall become effective at the same time that the annexation becomes effective. (Ord. 1410 § 1 (part), 1982: prior code § 27-17.5)

Chapter 12.140

APPEALS

Sections:

12.140.010 Generally.

The applicant or any other interested party may appeal to the city council any order, requirement, decision or determination of the planning commission in the manner provided in this chapter. (Ord. 1410 § 1 (part), 1982: prior code § 27-18.1)

12.140.020 Method.

Appeals shall be made in writing and filed with the city clerk within seven days after the final action of the planning commission. The appeal shall be accompanied by a fee, as set forth by the city council. The appeal shall clearly state the facts of the case and the grounds for the appeal. Upon receipt of the appeal, the city clerk shall notify the planning commission or planning director and shall set a time, within thirty days after receipt of the appeal, for a public hearing on such appeal. If no public hearing was required on the subject when it was considered by the commission, the council need not hold a public hearing. In cases where public hearings are required, notice of hearing shall be as provided in Chapter 12.132. (Ord. 1655 § 2, 2001; Ord. 1410 § 1 (part), 1982: prior code § 27-18.2)

12.140.030 Report to council.

A report shall be submitted by the secretary of the commission to the council, setting forth the reasons for the action taken. (Ord. 1410 § 1 (part), 1982: prior code § 27-18.3)

12.140.040 Council action.

The council shall render its decision within sixty days after the filing of the appeal. (Ord. 1410 § 1 (part), 1982: prior code § 27-18.4)

Chapter 12.144

ENFORCEMENT—VIOLATIONS, PENALTIES

Sections:

12.144.010 Issuance of permits and licenses.

A. All officers and employees of the city authorized or required to issue permits or licenses, shall conform to the provisions of this article and shall issue no permit or license for uses, buildings or purposes in conflict with such provisions. Any such permit or license shall be null or void.

B. The building official shall not issue any building permit for the construction of any building, structure, facility or alteration, the construction of which, or the proposed use of which, would constitute a violation of the provisions of this article. (Ord. 1410 § 1 (part), 1982: prior code § 27-19.1)

12.144.020 Enforcement.

It shall be the duty of the planning director to enforce the provisions of this article pertaining to the erection, construction, reconstruction, moving, conversion or alteration of buildings and structures. (Ord. 1410 § 1 (part), 1982: prior code § 27-19.2)

12.144.030 Violations—Public nuisances, abatement.

A. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this article, and any use of any land, building, or premises established, conducted, operated or maintained contrary to the provisions of this article is declared to be unlawful and a public nuisance.

B. It shall be unlawful and a public nuisance for any person to offer for sale or to sell units, shares, or other interests in condominiums, stock cooperatives, or community apartments without first applying for and receiving the applicable permit.

C. The city attorney, with the approval of the city manager, shall immediately commence action or proceedings for the abatement, removal, or enjoinment of anything declared to be a public nuisance pursuant to this article in the manner prescribed by law. The city attorney shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining or using any such building or structure contrary to the provisions of this article, or selling or offering to sell units, shares, or other interests in condominiums, stock cooperatives, or community apartments contrary to the provisions of this article.

D. The remedies provided for in this section shall be cumulative and not exclusive. (Ord. 1410 § 1 (part), 1982: prior code § 27-19.3)

Chapter 12.150

TRANSPORTATION SYSTEM MANAGEMENT ("TSM") PROGRAM

Sections:

12.150.010 Findings.

The council of the city of San Bruno hereby finds and determines that:

A. There has been a significant increase in traffic in this general region and in this city, and this trend is anticipated to continue in the future.

B. Recent and future development within the city and in the surrounding area will lead to increased traffic in the area.

C. Transportation systems management (TSM) programs have been shown to be capable of reducing vehicle trips and increasing vehicle occupancy rates, and can be effective in reducing the need for costly major road improvements.

D. Decreasing the number of vehicular trips and miles, especially on the regional road network, both absolutely and within peak traffic periods, will help alleviate traffic congestion, energy consumption, and noise levels and will help to improve and maintain air quality. These improvements will contribute to making the city an attractive and convenient place to live, work, visit and do business, and will help employers recruit and retain a qualified work force.

E. Cooperation with and coordination of TSM programs with nearby cities and other local agencies with transportation roles will assist the city in meeting the goals and objectives of this ordinance.

F. Adoption of the TSM ordinance is one component of implementing a comprehensive approach to reducing traffic problems that should be supported by complimentary land use policies and transportation and transit improvements.

G. Adoption of the TSM ordinance will (1) promote public health, safety and economic vitality; (2) mitigate the effects of the traffic congestion including associated noise and air quality impacts on the environment, and (3) enhance the general welfare, both within the city and region.

H. The goals and objectives of this ordinance are consistent with this city's general plan.

I. Participation of private and public employers, sponsors, employer organizations, and employee organizations is critical to the successful implementation of this TSM ordinance.

J. In adopting this ordinance, it is the intention of the city council that employers and sponsors who act diligently and in good faith to comply with the provisions of this ordinance shall not be penalized for lack of participation of employees or tenants in commute alternatives, and shall not be held accountable for the achievement of a participation rate by employees or tenants.

K. Since the Bay Area Air Quality Management District's (BAAQMD) Regulation 13, Rule 1 is the current trip reduction regulation with which our employer base must comply and the jurisdictions within the county of San Mateo did not elect to accept delegation of the rule, the provisions in this ordinance are intended to assist employers in the region in achieving their trip reduction goals to improve air quality and reduce traffic congestion. (Ord. 1561 § 2, 1995)

12.150.020 Goals and objectives.

A. Goals. The goals of this ordinance are to:

1. Assure that all existing and future employers and sponsors participate in mitigating traffic problems by implementing TSM measures.

2. Encourage coordination and consistency between public agencies and the private sector in planning and implementing transportation programs.

3. Increase public awareness and encourage more use of alternatives to commuting by single occupant vehicles.

4. Reduce traffic impacts within the city and the region by reducing the number of automobile trips, daily parking demand, and total vehicle miles per person travelled that would otherwise be generated by commuting.

B. Objectives. The objectives of this ordinance are:

1. To participate in a multi-city agency that works in partnership with employers to promote programs and services that help employers achieve their trip reduction goals in an effort to improve air quality and reduce traffic congestion in the region.

2. To facilitate the achievement of vehicle to employee ration (VER) standards by public and private employers subject to Regulation 13, Rule 1, a regional employer-based trip reduction mandate effective for employers in San Mateo County beginning July 1, 1994.

3. To encourage and facilitate participation by employers with twenty-five to ninety-nine employees in promoting commute alternatives for their employees. (Ord. 1561 § 2, 1995)

12.150.030 Definitions.

As used in this ordinance, the following words and phrases have the meanings respectively ascribed thereto in this section.

A. "Alternative work hours program" shall mean any system for shifting the work day of an employee so that the work day starts or ends outside of the peak periods. Such programs include but are not limited to: (i) compressed work weeks; (ii) staggered work hours involving a shift in the set work hours of employees at the work place; and (iii) flexible hours involving individually determining work hours within guidelines established by the employer.

B. "Car pool" shall mean a motor vehicle occupied by two or more employees commuting together.

C. "Commute" shall mean a home-to-work or work-to-home trip.

D. "Complex" shall mean any multi-tenant, non-residential building or group of buildings that houses employees. A complex may have more than one but not necessarily all of the following characteristics:

(i) It is known by a common name;

(ii) It is governed by a common set of covenants, conditions, and restrictions;

(iii) It was approved, or is to be approved, as an entity by the city;

(iv) It is covered by a single subdivision or parcel map;

(v) It is operated by a single management;

(vi) It shares common parking.

E. "Employee" shall mean any person hired by an employer for work at the work place, working twenty hours or more per week on a regular full-time or part-time basis, including independent contractors, but excluding field construction workers, field personnel, seasonal/temporary employees (working less than ninety days consecutively) and volunteers.

F. "Employer" shall mean any public or private employer, including the city, who has a permanent place of business in the city. "Employer" shall not include contractors or other business entities with no permanent place of business in the city.

G. "Joint powers agency" shall mean that agency created under the "Joint Powers Agreement Establishing the Multi-City Transportation System Management (TSM) Agency."

H. "Multi-city agency" shall mean the agreement approved by the city and one or more other cities to establish an organization and procedures for governing a joint TSM program.

I. "Peak traffic periods," "peak hour," and "peak periods" shall mean the periods of highest traffic volume and congestion which are from six a.m. to ten a.m. and three p.m. to seven p.m. during work days Monday through Friday. A peak period trip shall mean an employee commute trip

to or from a work place when the employee's work day begins or ends within a peak period.

J. "Public transit" shall mean publicly provided transportation, usually either by bus or rail.

K. "Ridesharing" shall mean transportation of persons in a motor vehicle for commute purposes where the driver is not employed for that purpose. The term includes arrangements known as carpools and vanpools.

L. "Single occupant vehicle" shall mean a vehicle occupied by one employee.

M. "Sponsor" shall mean the owner(s) or developer(s) or manager(s) of a commercial development project or complex.

N. "Telecommuting" shall mean a system of working at home or at an off-site, non-home telecommute facility for the full work day on a regular basis at least one day per week.

O. "Transportation System Management" (TSM) shall mean a program to improve the movement of persons through better and more efficient use of the existing transportation system.

P. "TSM trip reduction program" shall mean a group of measures developed and implemented by an employer that are designed to provide transportation information, commute alternatives assistance and incentives to employees.

Q. "TSM board of directors" shall mean the group responsible for policy direction of the TSM organization, with membership and responsibilities as defined in the multi-city agreement.

R. "TSM supervisory committee" shall mean the group of city managers or their designees responsible for general direction of the TSM administrator and program as set forth in the multi-city agreement.

S. "Vanpool" shall mean a van occupied by seven to fifteen employees including the driver who travel together during the majority of their individual commute distance.

T. "Work site" shall mean any real property, real or personal, which is being operated, utilized, maintained, or owned by an employer as part of an identifiable enterprise. All property on contiguous, adjacent, or proximate sites separated only by a private or public roadway or other private or public right-of-way, served by a common circulation or access system, and not separated by an impassable barrier to bicycles or pedestrian travel such as a freeway or flood control channel is included as part of the work site.

U. "Employee transportation coordinator (ETC)" shall mean a person, who could be an employee or an employer or sponsor, designated to implement a TSM trip reduction program and to carry out any other requirements of this ordinance at a work place. (Ord. 1561 § 2, 1995)

12.150.040 TSM administrator.

The TSM administrator shall be employed by the joint powers agency and shall serve as staff in administering the TSM provisions of this ordinance as provided in the multi-city agreement. Duties shall include, but are not limited to, assisting employers in carrying out TSM responsibilities, providing commute alternative assistance, preparing summary reports, and developing incentives for employer participation in the TSM program. (Ord. 1561 § 2, 1995)

12.150.050 TSM requirements.

A. Each employer within San Mateo County that is subject to the Bay Area Air Quality Management District's (BAAQMD) Regulation 13, Rule 1 (regional employer-based trip reduction rule) shall conform to the employer-based trip reduction program requirements established and enforced by BAAQMD.

B. Each employer of twenty-five or more employees, and every sponsor of twenty-five or more employees, is encouraged to distribute to its employees on a regular basis, commute alternatives information on ridesharing, transit, bicycling and other commute alternatives; and participate when possible in programs, sponsored by the joint powers agency, that may contribute to the reduction of single-occupant-vehicle commute trips.

C. Each employer of twenty-five or more employees shall follow the progression of and comply with Regulation 13 and other BAAQMD

trip reduction regulations/rules relative to new mandates that may come into effect for such employer's work site. (Ord. 1561 § 2, 1995)

12.150.060 Fees.

A. Impact Fees. To the extent that available funding is not adequate, the TSM board of directors is authorized to determine and levy annual fees upon all public and private employers with twenty-five or more employees. The amount of the fee shall be fixed annually by the board and shall be presented for approval to each participating city.

B. Collection. The director of finance or other designated city staff shall be responsible for collecting the fees levied against private employers and/or sponsors. The amounts may be billed and collected with the annual business license fee or such other manner as deemed necessary and appropriate, and the total amount collected shall be transmitted with a collection report to the TSM board of directors or its designated agent. Public agencies may be billed directly by the TSM board of directors. (Ord. 1561 § 2, 1995)

12.150.070 Enforcement.

An employer or sponsor, except for those subject to Regulation 13, Rule 1, who fails to comply with the provisions of this ordinance shall, after thirty days' written notice to remedy the failure, be guilty of an infraction. (Ord. 1561 § 2, 1995)

12.150.080 Limitations.

Nothing in this chapter may be construed to require an employer or sponsor to: (a) breach a lease existing prior to the effective date of this chapter; (b) require structural modifications or additions to property, the nature of which would require the issuance of a building permit pertaining to existing structures; or (c) violate any planning approvals from the city of San Bruno. (Ord. 1561 § 2, 1995)

Chapter 12.200

ZONING REGULATIONS FOR CONSTRUCTION, EXPANSION, ALTERATION OR ENLARGING OF SINGLE FAMILY AND TWO FAMILY RESIDENCES

Sections:

12.200.010 Purpose.

The city of San Bruno is a well-established residential community of predominantly single family homes. Significantly oversized residential structures are incompatible with the character of this residential community, and are not in harmony with the principles of high quality neighborhoods. This chapter is intended to accomplish the following:

A. Enhance the identity of residential neighborhoods.

B. Assure provision of light and air to individual residential parcels.

C. Assure a reasonable level of compatibility in scale of structures within residential neighborhoods.

D. Establish and preserve spatial relationship(s) between structures, between structures and adjacent streets, and within neighborhoods.

E. Address residential parking for nonconforming structures seeking extensive expansion or remodeling.

F. Prohibit the loss of interior housing space through the creation of excessive residential storage or parking garages.

G. Control development of hillside lots and lands, preserve buildings suited for natural hillside surroundings, and recognize differences between hillside developments and flat land developments.

H. Preserve the city's dwindling stock of affordable housing. (Ord. 1520 § 2 (part), 1990)

12.200.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. "Deck" is defined as a roofed or unroofed porch, platform or balcony, open on one or more sides, access to which is gained by a door, stairway or other passage.

B. "Floor area ratio" or FAR is defined as the gross floor area of a building, including the garage area, divided by the total lot area of the parcel on which the building is situated.

C. "Garage" is as defined in Sections 12.80.230 and 12.80.240 of the San Bruno Zoning Ordinance, except that interior areas, detached buildings or accessory buildings designed, designated or used for the storage or parking of motor vehicles shall constitute garage area for the purposes of this chapter.

D. "Gross floor area" is defined as the total floor space of all floors of a building or buildings measured to the outside surfaces of the building(s), including but not limited to exterior walls, or other external elements of the building envelope system, the attached or detached garage or other designated vehicle storage area, and other accessory buildings on the lot that are greater than one hundred twenty square feet, but excluding non-habitable space as defined herein.

E. "Habitable floor area" is defined as any enclosed floor area in the house, garage, or accessory building having any potential living space with minimum dimensions of eight feet by ten feet and with at least 7.5 feet of head room.

F. "Non-habitable floor area" is defined as enclosed floor area that is not defined as "habitable."

G. "Resultant lot area" is defined as the total lot area of the parcel upon which a building is situated or proposed, reduced by the development limitations of Section 12.200.050, below.

H. "Story" is defined as that portion of any building included between the surface of any floor and the surface of the next floor above it. If there is no floor above it, the space between such floor and the ceiling shall constitute a story.

I. "Story, first" is defined as the lowest story in a residence, wherein at least fifty percent of any one wall of that story is four feet above grade. (Ord. 1520 § 2 (part), 1990)

12.200.030 Conditional use permit required.

In addition to those conditional uses listed in Section 12.96.060 and Section 12.96.070 for R-1, R-1-D and R-2 residential zoning districts, a conditional use permit shall be required in the following instances:

A. New Construction. For those single family and two family residential buildings which propose:

1. A floor area that exceeds the permitted floor area standards of Section 12.200.050; or

2. Lot coverage that exceeds the restrictions of Section 12.200.050; or

3. A third story, where any part of the three stories lie within the same vertical plane; or

4. Construction exceeding the development standards contained within Section 12.200.040 or the parking standards of Section 12.200.080.

B. Existing Single Family or Two Family Residential Structures. Expansion, remodeling, alteration, enlarging or a detached addition to an existing single family or two family residential structure which propose:

1. An increase in the gross floor area by more than fifty percent; or

2. A floor area that exceeds the permitted floor area standards of Section 12.200.050; or

3. Lot coverage that exceeds the restrictions of Section 12.200.050; or

4. A third story, where any part of the three stories lie within the same vertical plane; or

5. Which expansion, alteration or addition, when combined with the existing structure would exceed the development standards contained within Section 12.200.040 or the parking standards of Section 12.200.080. (Ord. 1520 § 2 (part), 1990)

12.200.040 Development standards.

A. Building heights, which for the purposes of this chapter only shall mean the vertical distance from the elevation of the sidewalk in front of the house at the midpoint of the horizontal width of the house to the highest or topmost point of the roof shall not exceed the following limits without securing a conditional use permit:

1. A height of twenty-eight feet for lots with an average slope of less than twenty percent slope from front property line to rear property line, as well as for lots which slope from side yard to side yard regardless of the average slope; or

2. A height of twenty-six feet for downsloping lots (from front to rear) with an average slope of twenty percent or more; or

3. A height of thirty feet for upsloping lots (from front to rear) with an average slope of twenty percent or more.

B. A conditional use permit shall be required for new construction on individual infill lots, [i.e., on lot(s) which have houses existing on both sides of the subject lot and which are not part of a comprehensive subdivision under general construction], or for expansion, alteration or additions to existing structures, which construction would result in the following:

1. A second story having any transparent window, any other transparent opening, or any deck facing any interior side yard adjacent to an abutting property which abutting property has a side yard greater than ten feet.

2. A second story whose front plane is not set at least five feet further than the front setback of the first story. Architectural projections such as eaves, bay windows, bow windows, chimneys, etc., are exempted from this additional setback.

3. A second story front deck:

(a) Larger than seventy-two square feet; or

(b) Having a front depth greater than six feet; or

(c) Which is not set back at least eighteen inches from the face of the first floor of the house, or which does not provide a solid vertical surface around the bottom eighteen inches of the deck.

C. For the purposes of this section, buildings which are moved or manufactured off-site and placed on a property shall be subject to the same requirements as new construction on infill lots. (Ord. 1520 § 2 (part), 1990)

12.200.050 Development limitations.

A conditional use permit shall be required whenever any of the following development limitations are exceeded.

A. Lot Coverage. The maximum lot coverage for all structures in the R-1 and R-1-D residential districts shall not exceed eighty percent of the total floor area allowed by this section. The maximum lot coverage in R-2 residential districts shall not exceed the total floor area allowed by this section.

B. Floor Area. The permitted floor area (FA) of buildings shall be determined by multiplying the adjusted lot size (from Chart 1) by the floor area ratio corresponding to the slope of the lot from Chart 2, below.

1. Average Percent Slope of Site. The average percent slope of site is computed by the following formula:

$$AS \text{ Average Percent Slope of Site} = \frac{100 \times I \times \frac{L}{A}}{}$$

Where I = contour interval in feet, not to exceed ten (10) feet

L = summation of length of contour lines in feet; and

A = area in square feet of parcel being considered.

AS = average percent slope of site.

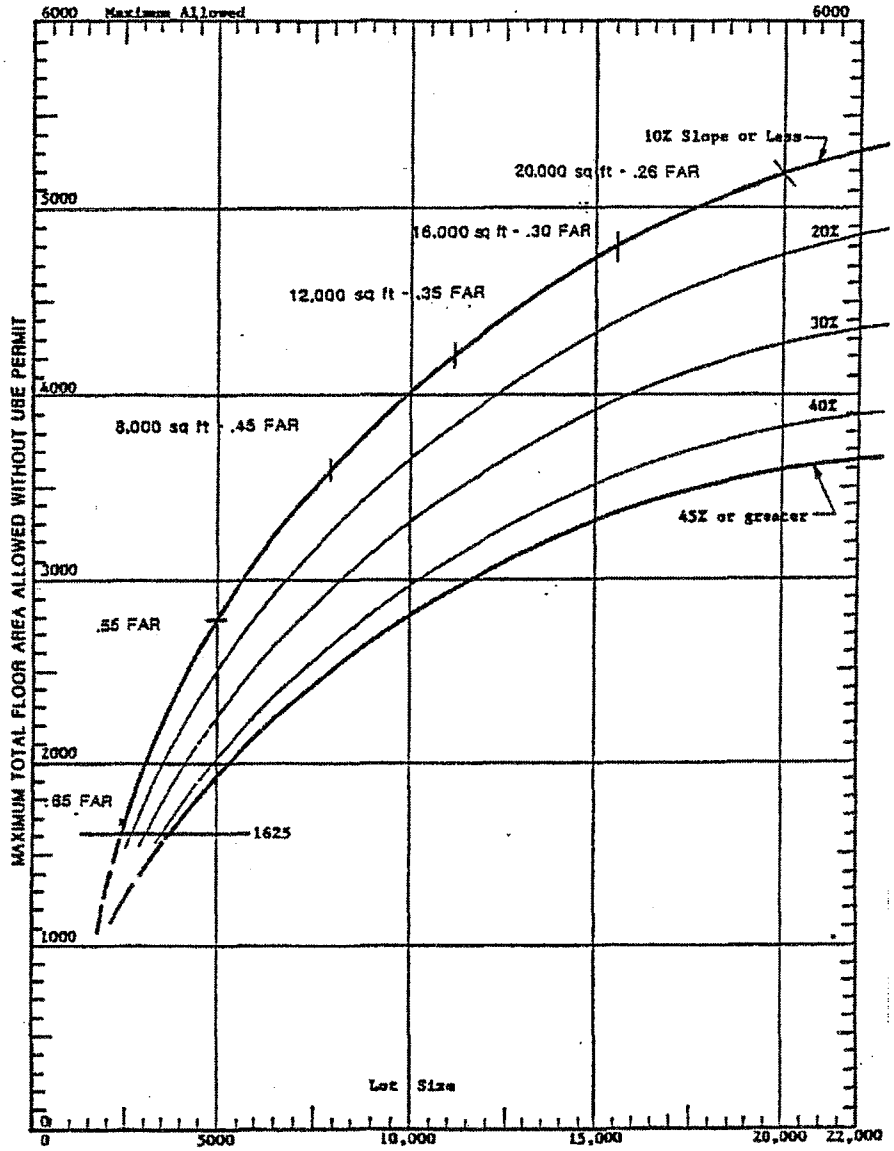
2. Floor Area Ratio Adjustment Factor for Lot Size. The floor area ratio shall be adjusted inversely proportional to the lot size as shown on Chart 1, following.

Chart 1
ADJUSTED LOT SIZE

Lot Size (sq. ft.)	Adjustment Factor
2,500	1.20
3,000	1.16
3,500	1.12
4,000	1.08
4,500	1.04
5,000	1.00
5,500	0.97
6,000	0.94
6,500	0.91
7,000	0.88
7,500	0.85
8,000	0.82
8,500	0.79
9,000	0.77
9,500	0.75
10,000	0.73
10,500	0.71
11,000	0.68
11,500	0.66
12,000	0.64
12,500	0.62
13,000	0.61
13,500	0.60
14,000	0.59
14,500	0.58
15,000	0.57
15,500	0.56
16,000	0.55
16,500	0.54
17,000	0.53
17,500	0.52
18,000	0.51
18,500	0.50
19,000	0.49
19,500	0.48
20,000	0.47
>20,000	0.47

Chart 2
PEMITTED FLOOR AREA

Average Slope (percent)	Floor Area Ratio (FAR)
<10	0.550
10	0.550
11	0.545
12	0.541
13	0.537
14	0.533
15	0.529
16	0.524
17	0.519
18	0.514
19	0.509
20	0.505
21	0.500
22	0.495
23	0.490
24	0.485
25	0.480
26	0.475
27	0.470
28	0.465
29	0.460
30	0.456
31	0.451
32	0.446
33	0.441
34	0.436
35	0.432
36	0.427
37	0.422
38	0.417
39	0.412
40	0.407
41	0.402
42	0.397
43	0.392
44	0.387
45	0.383
>45	0.383



The above displays graphically the application of Chart 1 and Chart 2. The horizontal axis is the total lot size. The vertical axis is the floor area of the building. The curve shows the maximum floor area allowed without securing a conditional use permit, each curve representing a different average percent slope. The above is provided for illustrative purposes only, and Chart 1 and Chart 2 are to be applied. (Ord. 1520 § 2 (part), 1990)

12.200.060 Review requirements.

In considering applications for conditional use permits pursuant to this chapter:

A. Such applications shall first be sent to the architectural review committee;

B. Consideration should be given to the average height of adjacent houses for construction, expansion or alterations which increase the height above one story;

C. Incremental alterations, additions or expansions of single family residential structures after September 26, 1988 and of two family residential structures after September 26, 1990 shall be aggregated and calculated as a single addition or expansion. (Ord. 1520 § 2 (part), 1990)

12.200.070 Architectural review permits required.

A. All structures requiring a use permit by the provisions of this chapter shall first be reviewed by the architectural review committee of the planning commission. In addition, any structure which is increased by more than one thousand square feet, or which will be greater than three thousand square feet as a result of new construction or addition, shall be required to obtain an architectural review permit prior to receiving a building permit. (Ord. 1520 § 2 (part), 1990)

12.200.080 Parking standards.

A. Notwithstanding any other provision of this chapter:

1. If there are no covered off-street parking spaces existing or proposed, then any addition, expansion, enlargement or alteration which increases the gross floor area will require a conditional use permit.

2. If there is only one covered off-street parking space per unit existing or proposed, then any expansion, enlargement or alteration that would result in the gross floor area exceeding one thousand eight hundred twenty-five square feet, excluding garage area, will require a conditional use permit.

3. If there are two covered off-street parking spaces per unit existing or proposed, then any expansion, enlargement, alteration or new construction that would result in the gross floor area exceeding two thousand eight hundred square feet, excluding garage area, will require a conditional use permit.

B. An accessory building to and/or an interior private parking garage of a single family residence shall not be designed, constructed, altered or expanded to be used for the storage of more than three automobiles; nor exceed six hundred square feet when such interior parking and/or interior vehicle storage area upon a single parcel are combined, without first securing a conditional use permit.

C. Tandem parking can be allowed by securing a parking exception from the planning commission provided the applicant demonstrates a hardship with the parking standards applied to the parcel in question. (Ord. 1520 § 2 (part), 1990)

Chapter 12.210

REQUEST BY MAYOR OR COUNCILMEMBERS FOR FINAL REVIEW OF DECISIONS BY CITY COUNCIL

Sections:

12.210.010 Purpose.

This chapter is enacted for the purpose of providing a mechanism whereby the mayor or any councilmember may request that any final decision of the architectural review committee or the planning commission may be appealed to the city council for final review and decision. (Ord. 1654 § 1 (part), 2001)

12.210.020 Request by mayor or councilmembers for final review of decisions by city council.

A. The mayor or any councilmember may call up for final review by the city council any decision rendered by the architectural review committee or the planning commission. Any such request shall be treated as an appeal and shall be processed in the same manner as an appeal under Section 12.140 of this title but such request need not be accompanied by the fee prescribed for an appeal nor need it set forth the facts of the case or grounds for appeal. The mayor or any councilmember may request that a decision of the architectural review committee or the planning commission be reviewed by the council at any time, including prior to final action by the lower body, so long as city council hearing and review of any such decision is undertaken subsequent to final action by the committee or commission and following expiration of any appeal period provided for in this title.

B. The mayor or councilmember appealing any decision pursuant to this sections not disqualified by that action from participating in the hearing and the deliberations nor from voting as a member of the reviewing body. (Ord. 1654 § 1 (part), 2001)